FEDERAL REGISTER

VOLUME 8 NUMBER 164

Washington, Thursday, August 19, 1943

The President

EXECUTIVE ORDER 9370

AUTHORIZING THE ECONOMIC STABILIZATION DIRECTOR TO TAKE CERTAIN ACTION IN CONNECTION WITH THE ENFORCEMENT OF DIRECTIVES OF THE NATIONAL WAR LABOR BOARD

By virtue of the authority vested in me by the Constitution and the statutes of the United States, it is hereby ordered:

In order to effectuate compliance with directive orders of the National War Labor Board in cases in which the Board reports to the Director of Economic Stabilization that its orders have not been complied with, the Director is authorized and directed, in furtherance of the effective prosecution of the war, to issue such directives as he may deem necessary:

(a) To other departments or agencies of the Government directing the taking of appropriate action relating to withholding or withdrawing from a non-complying employer any priorities, benefits or privileges extended, or contracts entered into, by executive action of the Government, until the National War Labor Board has reported that compliance has been effectuated;

(b) To any Government agency operating a plant, mine or facility, possession of which has been taken by the President under section 3 of the War Labor Disputes Act, directing such agency to apply to the National War Labor Board, under section 5 of said act, for an order withholding or withdrawing from a non-complying labor union any benefits, privileges or rights accruing to it under the terms or conditions of employment in effect (whether by agreement between the parties or by order of the National War Labor Board, or both) when possession was taken, until such time as the non-complying labor union has demonstrated to the satisfaction of the National War Labor Board its willingness and capacity to comply; but, when the check-off is denied, dues received from the check-off shall be held in escrow for the benefit of the union to be delivered to it upon compliance by it.

(c) To the War Manpower Commission, in the case of non-complying individuals, directing the entry of appropriate orders relating to the modification or cancellation of draft deferments or employment privileges, or both.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 16, 1943.

[F. R. Doc. 43-13448; Filed, August 17, 1943; 5:03 p. m.]

Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 18—WAR SERVICE REGULATIONS

APPOINTMENT; EXTENT OF REGULATIONS

Effective April 7, 1943 § 18.5 *Appointment* (7 F.R. 7725, 8007; 8 F.R. 4375), and § 18.11 *Extent of regulations*, are amended as follows:

§ 18.5 *Appointment* * * *

(e) *Positions which become subject to the war service regulations.* The following classes of employees may be given war service appointments without prior approval of the Commission:

(1) Any person holding a position in a public or private enterprise which is taken over by the Federal Government and who thereby becomes an employee of the Government;

(2) Any Federal employee holding a position which is excepted from the Civil Service Act and Rules and the War Service Regulations when his position is made subject to the Civil Service Act and Rules or the War Service Regulations.

All war service appointments made under this section shall be reported immediately to the Commission.

No person given a war service appointment under this section shall acquire eligibility for a classified civil service status until six months after the end of the present war. At the expiration of six

CONTENTS

(Continued on next page)

FEDERAL REGISTER

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CONTENTS—Continued

CONTENTS—Continued

months after the war, such person may be recommended for a classified civil service status in accordance with section 6 of Civil Service Rule II (§ 2.6 of this chapter) provided his position becomes a permanent position in the classified civil service and he is still the incumbent thereof.

§ 18.11 *Extent of regulations*—(a) *Regulations superseded.* The foregoing regulations shall supersede Civil Service Rules III, V, VI, VII, VIII, IX, X (5 CFR Parts 3, 5, 6, 7, 8, 9, 10), and all provisions of joint regulations inconsistent with these regulations, for all positions except (unless otherwise specifically provided in these regulations):

(1) Positions in the field service of the postal establishment;

(2) Positions other than those filled by civilian employees of the forces in the Police and the Fire Department of the municipal government of the District of Columbia;

(3) Positions of policeman in the U. S. Park Police force of the Interior Department.

Civil Service Rule II, section 6 (§ 2.6 of this chapter), is suspended as to appointments made under § 18.5 (e) of this chapter.

(E.O. No. 9063 dated February 16, 1942, 7 F.R. 1075.)

By the Commission.

[SEAL] H. B. MITCHELL, *President.*

AUGUST 14, 1943.

[F. R. Doc. 43-13486; Filed, August 18, 1943; 11:56 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 11—NATIONAL FARM LOAN ASSOCIATIONS

PROCEDURE FOR CONSOLIDATING ASSOCIATIONS

Section 11.348 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 11.348 *Action by directors.* The board of directors of each association to be consolidated shall take appropriate action to authorize the execution of a consolidation agreement and articles of association for the consolidated association. The board may designate one or more of its members to serve with representatives of each of the boards of the other associations involved as an organization committee for the formation of the consolidated association. Each board of directors, or the representatives of each association on the organization committee pursuant to authority by the association board of directors, shall execute on behalf of such associations the agreement of consolidation and articles of association on forms prescribed by the Commissioner and shall appoint not less than five or more than seven qualified persons to serve as directors for the consolidated association, who will constitute the board of directors for the period intervening from the date of organization to the date fixed in the bylaws for the first annual meeting of stockholders or until their successors are elected and have qualified.

(Sec. 6, 47 Stat. 14, sec. 29, 39 Stat. 381; 12 U.S.C. 665, 965)

Title 6, Code of Federal Regulations, is amended by adding the following new section:

§ 11.351 *Legal reserve requirement.* The legal reserve requirement for the consolidated association at the time of completion of the consolidation shall be the total of the unimpaired legal reserves of the constituent associations.

(Sec. 6, 47 Stat. 14, secs. 24, 29, 39 Stat. 379, 381; 12 U.S.C. 665, 911, 965)

W. E. RHEA,
Land Bank Commissioner.

[F. R. Doc. 43-13441; Filed, August 17, 1943; 3:25 p. m.]

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration

[FDO 71, Amdt. 1]

PART 1414—POULTRY

TURKEYS

Food Distribution Order No. 71 issued by the War Food Administrator July 31, 1943 (8 F.R. 10703), § 1414.1, is amended as follows:

1. By adding to (a) thereof the following:

(5) The term "storage" means storage space equipped with refrigeration facilities.

(6) The term "canned turkey" means turkeys which have been cooked, the meat separated from the carcass and placed in hermetically sealed containers and sterilized by heat.

2. By adding to (b) thereof the following:

(5) Each person owning turkeys which are in storage on or after August 21, 1943, shall set aside and hold such turkeys for delivery to a governmental agency: *Provided,* That the Director may release from the quantity of turkeys so set aside any turkeys which are to be used in the production of canned turkey.

Effective date. This amendment shall become effective at 12:01 a. m., e. w. t., August 21, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 2807; E.O. 9334, 8 F.R. 5423)

Issued this 17th day of August 1943.

GROVER B. HILL,
Acting War Food Administrator.

[F. R. Doc. 43-13482; Filed, August 18, 1943; 11:29 a. m.]

[FDO 76]

PART 1460—FATS AND OILS

CONSERVATION AND DISTRIBUTION OF WOOL FAT

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of wool fat for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1460.28 *Delivery, acceptance of delivery, use, consumption, processing, refining, and compounding of wool fat restricted*—(a) *Definitions.* (1) "Wool fat" means that fat or grease extracted from wool by whatever means, including all types, grades, and kinds recovered. The term also includes Adeps Lanae U. S. P. Lanolin; Technical Lanolin; Neutral Wool Fat (grease); Neutral Degras of all grades and types; common or crude Degras and common or crude wool grease; and wool waxes, alcohols, or other derivatives of wool fat.

(2) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(3) "Producer" means any person engaged in the recovery of wool fat.

(4) "Refiner" means any person engaged in the refining of wool fat.

(5) "Distributor" means any person who has purchased or hereafter purchases wool fat for the purpose of resale.

(6) "Consumer" means any person who processes, uses, consumes, or compounds wool fat.

(7) "Refining" means the purification of wool fat by any process.

(8) "Director" means the Director of Food Distribution, War Food Administration, or any employee of the United States Department of Agriculture designated by such Director.

(b) *Restrictions on delivery, acceptance of delivery, use, consumption, processing, refining, and compounding of wool fat.* No person shall deliver, accept delivery of, use, consume, process, refine, or compound wool fat, except as specifically authorized or directed by the Director or as provided in (c) hereof.

(c) *Exceptions.* (1) Notwithstanding the provisions of (b) hereof, specific authorization of the Director shall not be required with respect to:

(i) The delivery of wool fat by a retail pharmacist or druggist to a consumer and the acceptance of delivery, use, consumption, processing, or compounding of such wool fat by the consumer to whom delivery is made.

(ii) The delivery by a refiner or distributor to any person of not more than 10 pounds of wool fat during any calendar month and the acceptance of delivery, use, consumption, compounding, processing, resale, or delivery of such wool fat by the person to whom delivery is made.

(iii) The delivery of wool fat by a refiner or distributor to a consumer and the acceptance of delivery, use, consumption, processing, or compounding of such wool fat for the purpose of manufacturing cosmetics by the consumer to whom delivery is made.

(2) No refiner or distributor shall make deliveries during any calendar month pursuant to (c) (1) (ii) or (iii) hereof unless, upon application, he has received a specific authorization from the Director to so deliver, in the aggregate, a specified maximum quantity of wool fat. The total amount of wool fat so delivered by a refiner or distributor in any calendar month shall not exceed the maximum quantity authorized by the Director. Applications for authorizations to make deliveries in any calendar month pursuant to (c) (1) (ii) and (iii) hereof shall specify the maximum quantity requested for delivery pursuant to each of said paragraphs.

(3) No person shall accept delivery of wool fat in any calendar month pursuant to (c) (1) (ii) hereof from more than one supplier and no consumer shall accept delivery of wool fat in any calendar month pursuant to (c) (1 (iii) hereof from more than one supplier.

(4) No refiner or distributor shall deliver and no person shall accept delivery of wool fat pursuant to (c) (1) (ii) hereof unless prior to delivery the deliveree shall furnish the refiner or distributor a certificate in the following form:

The undersigned hereby certifies to the War Food Administration, United States Department of Agriculture, and to _____ (supplier) that upon the delivery to him of _____ pounds of wool fat in _____ (month) 194__, by said supplier, in connection with which this certificate is furnished, the undersigned will not accept delivery of wool fat from any other refiner or distributor during said month pursuant to the provisions of paragraph (c) (1) (ii) of FDO No. 76.

_____
Deliveree

By _____
Authorized Official

_____
Date

_____
Title

Such certificate shall be properly filled out and duly executed by the deliveree or by someone authorized to act in his behalf.

(5) No refiner or distributor shall deliver and no consumer shall accept delivery of wool fat pursuant to (c) (1) (iii) hereof unless prior to delivery the consumer shall furnish the refiner or distributor a certificate in the following form:

The undersigned hereby certifies to the War Food Administration, United States Department of Agriculture, and to _____ (supplier) that upon the delivery to him of _____ pounds of wool fat in _____ (month) 194__, by said supplier, in connection with which this certificate is furnished, the undersigned will not accept delivery of wool fat from any other refiner or distributor during said month pursuant to the provisions of paragraph (c) (1) (iii) of FDO No. 76, and that said wool fat will be used, consumed, or compounded by the undersigned in the manufacture of cosmetics.

_____
Deliveree

By _____
Authorized Official

_____ _____
Date Title

Such certificate shall be properly filled out and duly executed by the deliveree or by someone authorized to act in his behalf.

(d) *Applications for delivery, acceptance of delivery, use, consumption, processing, refining, and compounding.* The Director will issue authorizations or directives with respect to delivery, acceptance of delivery, use, consumption, processing, refining, and compounding of wool fat in each calendar month, insofar as is practicable, prior to the commencement of such month. Every person requiring an authorization to accept delivery of, use, consume, process, refine, or compound wool fat during any calendar month, including any person asking authorization to accept delivery of wool fat for resale, or to accept delivery of, or use wool fat for making deliveries pur-

suant to paragraphs (c) (1) (ii) and (iii) hereof, shall file an application therefor on or before the tenth day of the month preceding the month for which such authorization is sought except that applications for September 1943 may be filed on or before August 25, 1943. Such application shall be made on Forms FDA–477 and FDA–478, or such other forms as the Director may prescribe, and such forms shall be forwarded to the Chief, Fats and Oils Branch, Food Distribution Administration, War Food Administration, Washington 25, D. C., Ref: FD 76. In each case where the application for authorization to accept delivery of, use, consume, process, refine, or compound is granted, one copy of Form FDA–478, or such other forms as may be prescribed by the Director, signed by the Director, will be returned to the applicant and will constitute an authorization to accept delivery of, use, consume, process, refine, or compound, and one copy of Form FDA–477, or such other form as may be prescribed by the Director, signed by the Director, will be forwarded to the supplier and will constitute his authorization to make delivery.

(e) *Effective period of authorization.* The Director may prescribe in each authorization issued pursuant to this order, the period of time in which such authorization will be effective and no person shall take any action pursuant to, or in reliance on, an authorization which has expired.

(f) *Inventories.* Wool fat authorized or directed by the Director to be used for a specific purpose during a specific period shall revert to inventories where and to the extent that such wool fat is not used during the specific period for the specific purpose designated in the authorization or directive. Wool fat which the Director has authorized or directed to be delivered, accepted, or used for the purpose of building up inventories, or which has reverted to inventories under the terms of this order, shall not be delivered, accepted, used, consumed, processed, refined, or compounded, except as the Director may further authorize or direct.

(g) *Reports by producers.* Each producer of wool fat shall fill out and file, on or before August 25, 1943, and within fifteen days after the end of each calendar month hereafter, beginning with August 1943, with the Chief, Fats and Oils Branch, Food Distribution Administration, War Food Administration, Washington 25, D. C., Ref: FDO 76, one copy of Form FDA–476, with respect to his actual and estimated production, deliveries, and stocks of wool fat.

(h) *Contracts.* The restrictions of this order shall be observed without regard to contracts heretofore or hereafter entered into, or any rights accrued, or payments made thereunder.

(i) *Records and reports.* (1) The Director shall be entitled to obtain such information from, and require such reports and keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in wool fat.

(3) The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(j) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of wool fat of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(k) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him, may file a petition for relief in writing with the Director, addressed as follows: Director of Food Distribution, War Food Administration, Washington 25, D. C., Reference FDO 76.

Such petition shall set forth all pertinent facts and the nature of the relief sought. The Administrator of this order shall then act upon the petition. In the event that the petitioner is dissatisfied with the action taken by the Administrator of this order, he may request a review of such action by the Director whose decision with respect to the relief sought shall be final.

(l) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using wool fat, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(m) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, or otherwise provided herein, be addressed to the Director of Food Distribution, War Food Administration, United States Department of Agriculture, Washington 25, D. C., Ref. FDO 76.

(n) *Territorial extent.* This order shall apply only to the forty-eight States of the United States, the District of Columbia, and the Territory of Alaska.

(o) *Effective date.* This order shall become effective 12:01 a. m., e. w. t., September 1, 1943, except that the provisions of paragraphs (d) and (g) shall become effective on the date of issuance.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 17th day of August 1943.

GROVER B. HILL,
Acting War Food Administrator.

[F. R. Doc. 43–13483; Filed, August 18, 1943; 11:29 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service

[General Order C–32, Supp. 2]

PART 110—PRIMARY INSPECTION AND DETENTION

REVALIDATION OF RESIDENT ALIENS' BORDER CROSSING IDENTIFICATION CARDS

AUGUST 9, 1943.

Pursuant to the authority contained in sections 30 and 37 (a) of the Act of June 28, 1940 (54 Stat. 673, 675; 8 U.S.C. 451, 458); § 90.1 of Title 8, Chapter I, Code of Federal Regulations (8 F.R. 8735), and all other authority conferred by law, § 110.57 of Title 8, Chapter I, Code of Federal Regulations, is hereby amended by deleting from the third sentence the words "where use of the card is authorized".

EARL G. HARRISON,
Commissioner.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 43–13442; Filed, August 17, 1943; 4:46 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter I—Aid of Civil Authorities and Public Relations

PART 11—ASSISTANCE TO RELATIVES AND OTHERS IN CONNECTION WITH DECEASED PERSONNEL

DISPOSITION OF EFFECTS OF DECEASED PERSONNEL

Section 11.4a is added as follows:

§ 11.4a *Disposition of effects of deceased personnel.* (a) The provisions of § 11.4, are suspended during the period of the present emergency so far as they apply to military and civilian personnel subject to military law (as defined in the second Article of War) dying outside the limits of the States of the United States and the District of Columbia, when the widow or legal representative of such deceased person is not present. The effects of all such persons will be disposed of as indicated in this § 11.4a.

(b) In those commands where the situation will permit, all Government issue property other than clothing necessary for burial will be withdrawn from the personal effects and turned over to

the appropriate supply officer. The remaining effects will be immediately delivered to the summary court officer designated under Article of War 112 by the commanding officer. He will collect all monies due the decedent locally, including monies on deposit in local banks standing to the credit of the deceased, and pay the undisputed local creditors of the decedent, so far as any monies belonging to the deceased and which may have come into the possession of the summary court under Article of War 112 will permit, taking receipt therefor for file with the court's final report of the transaction to the War Department. Local debts owed by the decedent will be paid only to the extent that monies belonging to the decedent are available. No property belonging to the decedent will be sold.

(c) If any monies remain, the summary court officer will exchange such sums with his local finance officer for a Treasury check drawn in United States dollars and will forward such check by air mail (or other expeditious means of transmission) to the Effects Quartermaster, Army Effects Bureau, Kansas City Quartermaster Depot, Kansas City, Missouri. All further action under Article of War 112 will be taken by the Effects Quartermaster.

(d) The personal effects will be securely packed in a suitable container, with the original list of effects inclosed, and shipped to the Effects Quartermaster, Army Effects Bureau, Kansas City Quartermaster Depot, Kansas City, Missouri.

(e) In those commands where the situation will not permit the action prescribed above to be taken by the summary court, the effects will be safely secured by the commanding officer of the place or command where the death occurred, or by an officer designated by him, securely packed, and sent to the Effects Quartermaster, Army Effects Bureau, Kansas City Quartermaster Depot, Kansas City, Missouri.

(f) All action in determining the distributee to receive personal effects and any money, whether found among such effects or collected under Article of War 112, will be taken by the Effects Quartermaster.

(41 Stat. 809, 46 Stat. 1203; 10 U.S.C. 1584, 1584a) [W. D. Memorandum No. W600-61-43, 28 July 1943]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-13451; Filed, August 18, 1943; 10:05 a. m.]

Chapter VII—Personnel

PART 79—PRESCRIBED SERVICE UNIFORMS

INSIGNIA FOR PHARMACY CORPS

Section 79.24 (b) (2) (xv) (*j*) is added as follows:

§ 79.24 *Insignia for collar and lapel of coat.* * * *

(b) *Other officers, Army nurses, and warrant officers.* * * *

(2) *Insignia of arm, service and bureau.* * * *

(xv) *Medical Department.* Device 1 inch in height, letter ⅜ inch in height, except as noted.

* * * * *

(*j*) *Pharmacy Corps.* A caduceus with the letter "P" superimposed thereon. (R.S. 1296; 10 U.S.C. 1391) [Par. 24*b* AR 600-35, 10 November 1941, as amended by C 27, 2 August 1943]

J. A. ULIO,
Major General.
The Adjutant General.

[F. R. Doc. 43-13452; Filed, August 18, 1943; 10:06 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Board, Federal Security Agency

[Regulations 3,[1] Amdt.]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE[2]

TIME OF FILING APPLICATIONS FOR BENEFITS

Effective April 1, 1943, this regulation amends Regulations No. 3[3] (Part 403, Title 20, Code of Federal Regulations, 1940 Supp.), by amending § 403.701 of Regulations No. 3, as amended, as follows:

1. Paragraph (f) of § 403.701 *Filing of applications and other forms* is amended by changing the second paragraph thereof to read as follows:

An application is considered to have been filed as of the date the application is received at an office of the Bureau or by an employee of the Board authorized to receive it, or, if the application is transmitted by mail and the fixing of the date of receipt as the date of filing would result in a loss or impairment of benefit rights, as of the date appearing on the postmark (when available and legible) or the date of mailing (when no postmark is available and legible): *Provided,* That an application for benefits beginning with a month other than the month in which the application is filed shall, for the purpose of determining whether the conditions of eligibility have been satisfied, be deemed to have been filed in such other month.

2. Paragraph (f) of § 403.701 is further amended by adding thereto a new example designated as Example 3, to follow immediately after Example 2 and to read as follows:

Example 3. A mails an application for primary insurance benefits which is postmarked June 29, and is received at an office of the Bureau on July 1. If July 1 were fixed as the filing date the amount of A's benefit would be decreased from $23.55 to $27.50. The filing date is, therefore, considered to be June 29. Whether or not A worked for wages of more than $14.99 in June and whether his benefit would thus be subject to a deduction (see § 403.503 (a)) is immaterial, since in either event he would lose a month's benefit if July 1 were considered as the filing date.

If A's benefits would be exactly the same whether June 29 or July 1 were fixed as the filing date, and he would be eligible to receive a benefit for June, the filing date would be considered as June 29. However, if he would be eligible to receive a benefit for June but was paid in the quarter ending June 30 an amount of wages which would increase the amount of his benefit if included in the computation, the determination of which filing date is advantageous will be in accordance with the preference expressed by the claimant.

(Sec. 205 (a), 53 Stat. 1368; sec. 1102, 49 Stat. 647; 42 U.S.C. sec. 405 (a), 1302)

* * * * * *

In pursuance of §§ 205 (a) and 1102 of the Social Security Act, as amended, the foregoing regulation adopted by the Board is hereby prescribed this eleventh day of August 1943.

[SEAL] SOCIAL SECURITY BOARD,
A. J. ALTMEYER,
Chairman.

Approved: August 16, 1943.

WATSON B. MILLER,
Acting Federal
Security Administrator.

[F. R. Doc. 43-13454; Filed, August 18, 1943; 10:33 a. m.]

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[1] 5 F.R. 1849.

[2] Under title II of the Social Security Act, as amended, effective January 1, 1940.

[3] For a chronological description of the statutory basis for the old-age and survivors insurance system under title II of the Social Security Act, as amended, and the regulations which have been issued thereunder, see § 403.1 of Regulations No. 3 of the Social Security Board. (§ 403.1, Title 20, Code of Federal Regulations, 1940 Supp.)

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

Subchapter J—Heirs and Wills

PART 82—DETERMINATION OF HEIRS AND PROBATE OF ESTATES OF DECEASED INDIANS OF THE FIVE CIVILIZED TRIBES

In F.R. Document 43-13363 appearing on page 11335 of the issue for Tuesday, August 17, 1943, the issuance date should read August 9 instead of August 29.

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of Economic Warfare

Subchapter B—Export Control

[Amendment 91]

PART 802—GENERAL LICENSES

GENERAL LICENSE COUNTRY GROUPS

In paragraph (a) of § 802.3 *General license country groups* the effective date of Amendment No. 82, published August 3, 1943, 8 F.R. 10714, is hereby changed from August 15, 1943, to October 1, 1943.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order 3 and Delegation of Authority 25, 7 F.R. 4951; Delegation of Authority 47, 8 F.R.

8529; E.O. 9361, 8 F.R. 9861 and Order 1, 8 F.R. 9938)

Dated: August 16, 1943.

C. VICTOR BARRY,
Chief of Office,
Office of Exports.

[F. R. Doc. 43-13455; Filed, August 18, 1943; 10:46 a. m.]

[Amendment 92]

PART 802—GENERAL LICENSES

EXPORTATION OF SUGAR-MILL MACHINERY FROM PUERTO RICO

The numbering of the section set forth in Amendment No. 86, published August 4, 1943, 8 F.R. 10812, is hereby changed from § 802.15 to § 802.22.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; Order 3 and Delegation of Authority 25, 7 F.R. 4951; Delegation of Authority 47, 8 F.R. 8529; E.O. 9361, 8 F.R. 9861 and Order 1, 8 F.R. 9938)

C. VICTOR BARRY.
Chief of Office,
Office of Exports.

Dated: August 18, 1943.

[F. R. Doc. 43-13456; Filed, August 18, 1943; 10:46 a. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

PART 962—IRON AND STEEL

[Supplementary Order M-21-e, as Amended August 18, 1943]

TIN PLATE, TERNE PLATE AND TIN MILL BLACK PLATE

§ 962.6 *Supplementary Order M-21-e*—(a) *Definitions.* For the purposes of this order:

(1) "Tin plate" means steel sheets coated with tin (including primes, seconds, and waste-waste) and includes:

(i) "Electrolytic tin plate," in which the tin coating is applied by electrolytic deposition.

(ii) "Hot dipped tin plate," in which the tin coating is applied by immersion in molten tin.

(2) "Terne plate" means steel sheets coated with terne metal (including primes, seconds, and waste-waste) and includes:

(i) "Short ternes," meaning steel sheets coated with terne metal on tin mill coating machines, and

(ii) "Long ternes," meaning steel sheets coated with terne metal on sheet mill coating machines.

(3) "Terne metal" means the lead-tin alloy used as the coating for terne plate.

(4) "Process" means cut, draw, stamp, spin, or otherwise shape.

(5) "Put into process" means the first change by a manufacturer in the form of material from that form in which the tin plate or terne plate is received by him.

(b) *Restrictions on use of tin plate and terne plate.* Except to the extent specified in Schedule A or with specific authorization in writing by the War Production Board:

(1) No person shall use tin plate, or terne plate in the production of any item or part thereof.

(2) No person shall use hot dipped tin plate with a pot yield exceeding 1.25 pounds per base box.

(3) No person shall use electrolytic tin plate with a tin coating in excess of .50 pound per base box.

(4) No person shall use short ternes with a terne coating in excess of 1.30 pounds per base box.

(5) No person shall use long ternes with a terne coating in excess of 4 pounds per base box.

(c) *Restrictions on use of terne metal.* Unless specifically authorized in writing by the War Production Board,

(1) No person shall use terne metal except in the production of terne plate.

(2) No person shall use terne metal containing over 15% tin in tin mill coating machines.

(3) No person shall use terne metal containing over 10% tin in sheet mill coating machines.

(d) *Restrictions on production, sale, and delivery of tin plate and terne plate.* No person shall produce, sell, or deliver tin plate or terne plate to or for the account of any person if he knows or has reason to believe that such material will be used in violation of the terms of this order or any other or further order or direction of the War Production Board.

(e) *Exceptions.* (1) the provisions of paragraph (b) shall not apply to the materials listed in Schedule B, except that no person shall use such materials in the production of any items, or parts thereof, other than those items in the production of which iron or steel is permitted by other existing or future orders of the War Production Board.

(2) The provisions of paragraphs (b), (c) and (d) shall not apply in the case of articles to be purchased by or for the account of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration, or to be physically incorporated into products to be so purchased to the extent that the use of tin plate or terne plate is required by the specifications (including performance specifications) of the Army or Navy of the United States, United States Maritime Commission or the War Shipping Administration, applicable to the contract, subcontract or purchase order.

(f) *Restrictions on tin consumption.* During the first calendar quarter of 1942 and during each calendar quarter thereafter, no person shall use tin in the production of tin plate or terne plate in excess of the quota assigned to such person by the War Production Board.

(g) *Special directions.* The War Production Board may from time to time issue special directions as to production, sale, delivery, and use of tin plate, terne plate and tin mill black plate, which may include directions as to the tin or lead content of tin plate and terne plate.

(h) *Purchasers' reports.* Each person who purchases tin plate, short ternes or tin mill black plate, except wholesale dealers, shall file with the War Production Board monthly reports on Form PD 614.

(i) *Producers' reports.* Each person who produces tin plate, short ternes or tin mill black plate shall file with the War Production Board monthly reports on Form PD 612, and revisions of his production schedule as necessary on Form PD-767.

(j) *Applicability of other orders.* Insofar as any other order of the War Production Board may have the effect of limiting to a greater extent than herein provided the use of any material in the production of any item, the limitation of such order shall be observed.

(k) *Appeal.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(l) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(m) *Communications.* All reports to be filed hereunder and communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Steel Division, Washington, D. C. (25) Ref.: M-21-e.

Issued this 18th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

NOTE: Items 10a and 18a added August 18, 1943.

Permitted uses	Permitted materials	Maximum permitted coating of tin or of terne metal
1. Cans	As specifically authorized by or pursuant to Conservation Order M-81, as amended.	
2. Closures	As specifically authorized by or pursuant to Conservation Order M-104, as amended.	
3. Baking pans for institutions and commercial bakers.	Hot dipped tin plate	1.25 lbs. per base box.
	Electrolytic tin plate	0.50 lbs. per base box.
	Short ternes	1.50 lbs. per base box.
	Long ternes	4 lbs. per base box.
4. Carbide non-explosive emergency lights	Hot dipped tin plate	1.25 lbs. per base box.
	Electrolytic tin plate	0.50 lbs. per base box.
	Short ternes	1.50 lbs. per base box.
	Long ternes	4 lbs. per base box.
5. Chaplets, skimgates and tin forms for foundry use	Hot dipped tin plate	11 lbs. per base box.
	Short ternes	1.50 lbs. per base box.
	Long ternes	4 lbs. per base box.
6. Cheese vats		
7. Component parts for: Internal combustion engines including cooling systems, fuel systems, and lubricating systems—but only where less essential material is impractical because of corrosion or solderability.	Hot dipped tin plate	1.25 lbs. per base box.
	Electrolytic tin plate	0.50 lbs. per base box.
	Hot dipped tin plate	3.50 lbs. per base box (2A charcoal).
	Electrolytic tin plate	0.50 lbs. per base box.
8. Current collectors which are integral parts of signal cells.	Short ternes	1.50 lbs. per base box.
	Long ternes	4 lbs. per base box.
9. Dairy ware and equipment, including dairy pails, milk strainer pails, hooded milking pails, milk kettles, setter or cream cans, weigh cans, measures and test ware, bottle conveyors, ice cream freezers, milk filters, receiving tanks, separators, strainers, upper and lower troughs and covers for surface type heaters and coolers, and testing equipment.	Short ternes	1.50 lbs. per base box.
	Long ternes	4 lbs. per base box.
10. Electrical equipment parts requiring solderable coatings.	Short ternes	1.50 lbs. per base box.
	Long ternes	4 lbs. per base box.
10a. Dusters, hand, for disinfectant and pest control: Parts requiring solderable coatings.	Short ternes	1.50 lbs. per base box.
	Long ternes	4 lbs. per base box.
11. Gas mask canisters	Short ternes	1.50 lbs. per base box.
	Long ternes	4 lbs. per base box.
12. Gas meters	Hot dipped tin plate	3.50 lbs. per base box (2A charcoal).
	Electrolytic tin plate	0.50 lbs. per base box.
	Short ternes	1.50 lbs. per base box.
	Long ternes	4 lbs. per base box.
13. Heat exchangers	Short ternes	1.50 lbs. per base box.
	Long ternes	4 lbs. per base box.
14. Lining of drying chambers for milk and egg dehydration.	Hot dipped tin plate	11 lbs. per base box.
15. Maple syrup evaporators	Hot dipped tin plate	11 lbs. per base box.
16. Oil lanterns	Short ternes	1.50 lbs. per base box.
	Long ternes	4 lbs. per base box.
17. Roofing—but only for repair purposes	Short ternes	1.50 lbs. per base box.
	Long ternes	4 lbs. per base box.
18. Safety cans for inflammable liquids	Short ternes	1.50 lbs. per base box.
	Long ternes	4 lbs. per base box.
18a. Sprayers, hand, for disinfectant and pest control: Bodies, pumps, and siphon tubes.	Electrolytic tin plate	0.50 lbs. per base box.
19. Textile spinning cylinders, card screens, spools and bobbins.	Hot dipped tin plate	1.25 lbs. per base box.
	Electrolytic tin plate	0.50 lbs. per base box.
	Short ternes	1.50 lbs. per base box.
	Long ternes	4 lbs. per base box.
20. Torpedoes for oil and gas well shooting	Short ternes	1.50 lbs. per base box.
	Long ternes	4 lbs. per base box.
21. Vaporizing liquid fire extinguishers	Short ternes	1.50 lbs. per base box.
	Long ternes	4 lbs. per base box.
22. Wick holders for oil stoves—but only for replacement.	Short ternes	1.50 lbs. per base box.
	Long ternes	4 lbs. per base box.

SCHEDULE B

1. Hot dipped tin plate waste-waste outside the gauge range from 80 to 107 lbs. per base box.

2. Electrolytic tin plate waste-waste.

3. Short terne waste-waste outside the gauge range from 80 to 107 lbs. per base box.

4. Furnace pipe and fitting materials which were in inventory on May 16, 1942, but only for sale or delivery on orders for maintenance and repairs regardless of rating or for sale or delivery on orders for defense housing to the extent specified in the Defense Housing Critical List.

5. Materials in inventory (other than materials referred to in item 4 of Schedule B above) which were put into process, painted, lacquered, lithographed or enameled on or before May 16, 1942.

6. Materials outside the gauge range from 75 to 112 lbs. per base box which were in inventory on May 16, 1942.

7. Black plates or sheet steel coated with lead recovered from secondary sources and containing not more than 2½% residual tin.

[F. R. Doc. 43-13478; Filed, August 18, 1943; 11:13 a. m.]

PART 1153—FLUORESCENT LIGHTING FIXTURES

[Limitation Order L-78, as Amended August 18, 1943]

§ 1153.1 *General Limitation Order L-78*—(a) *Definitions.* For the purposes of this order:

(1) "Fluorescent lighting fixture" means any equipment employing, or used in connection with an electric light source (but excluding an incandescent light source) in which (i) visible light for illuminating purposes is produced by the passage of electric current through vaporized mercury, or (ii) visible light, for illuminating purposes is produced due to the effects of ultra-violet radiation on substances exposed to such radiation, including, but not limited to the following: (a) a hot cathode fluorescent lighting fixture, (b) a cold cathode fluorescent lighting fixture, (c) a rectified fluorescent lighting fixture, (d) a Cooper-Hewitt type fixture, (e) a Mercury type fixture, and (f) a portable fluorescent lighting fixture known as a mechanic's lamp, and any other portable fluorescent lighting fixture designed for use in conjunction with any industrial machine, tool, assembly bench or other similar factory equipment.

"Fluorescent lighting fixture" does not include any tube, bulb, or replaceable fluorescent starter, or portable lamp, commonly known as bed lamps, floor lamps, wall lamps, table lamps and desk lamps.

(2) "Industrial fluorescent lighting fixture" means a fluorescent lighting fixture which fixture is designed and constructed to illuminate an area of a factory, workshop or similar plant in which area manufacturing, assembling or other industrial functions are performed. For the purpose of this order an office or a drafting room is not an area in which manufacturing, assembling or other industrial functions are performed.

(3) "Non-industrial fluorescent lighting fixture" means any fluorescent lighting fixture other than an industrial fluorescent lighting fixture.

(4) "Maintenance" means the minimum upkeep necessary to the continued and safe operation of any fluorescent lighting fixture.

(5) "Repair" means the restoration of any fluorescent lighting fixture to a sound working condition after wear and tear, damage, destruction or failure of any part has made it unfit or unsafe for service.

(6) "Put in process" means the act by which a person first changes the form of material from that form in which it was received by him.

(7) "Reflector" means that part of a fluorescent lighting fixture which redirects the light emitted from the tube, bulb, tubes or bulbs in such fixture in a desired direction. Reflector does not include a wiring channel, wireway, raceway, or any locknuts, screws, bolts, washers or other devices for the purpose of connecting a reflector to such channel, wireway or raceway.

(8) "Top-housing" means a wiring channel, wireway or raceway specifically designed and constructed to support or hold any of the following component parts of a fluorescent lighting fixture, the ballast, the transformer, sockets, or reflector.

(b) *Restrictions*—(1) *Manufacture.* Notwithstanding any contract or agreement to the contrary, no person shall manufacture or assemble any fluorescent lighting fixture or any component part of any fluorescent lighting fixture, except:

(i) A fluorescent lighting fixture, other than a rectified fluorescent lighting fixture, or any component part of any fluorescent lighting fixture manufactured or assembled from:

(a) Materials which were acquired by him pursuant to orders or contracts bearing a preference rating of A-1-j or better, or bearing any preference rating assigned under the Production Requirements Plan, or Controlled Materials Plan provided that copper, copper base alloy or copper products shall be used in accordance with the limitations established by General Conservation Order

M-9-c; and provided further, that until the 1st day of December, 1943 a non-industrial fluorescent lighting fixture may only be manufactured or assembled from such materials upon written authorization from the War Production Board after application made by letter in duplicate; or

(b) Materials which have been put in process to manufacture fluorescent lighting fixtures and which materials were in his possession on April 20, 1942, pursuant to orders placed by him on or before April 2, 1942, provided that copper, copper base alloy or copper products shall be used in accordance with the limitations established by General Conservation Order M-9-c.

(c) Component parts of a fluorescent lighting fixture acquired by him from a person having possession of such component parts on April 20, 1942, pursuant to an order placed by such person having such physical possession on or before April 2, 1942.

(ii) Any component part of a rectified fluorescent lighting fixture, provided that such part is used for purposes of maintenance and repair and that copper, copper base alloy or copper products used in the manufacture or assembly of such component part shall be in accordance with the limitations established by General Conservation Order M-9-c.

(2) *Manufacture of reflectors for industrial fluorescent lighting fixtures.* No person shall manufacture or assemble for an industrial fluorescent lighting fixture a reflector containing any metal except:

(i) For use with a portable fluorescent lighting fixture of the type set forth in paragraph (a) (1) (ii) (*f*), or

(ii) For use with a fluorescent lighting fixture designed and constructed for the operation of a 400 watt or a 3,000 watt mercury vapor tube, bulb, tubes or bulbs, or

(iii) For use with a fluorescent lighting fixture employing a hot or cold cathode tube, bulb, tubes or bulbs, provided such fixture is specifically designed and constructed for use in hazardous locations as defined in paragraphs 5005 and 5006 of Article 500 of the National Electrical Code, 1940 Edition; or

(iv) To fill a specific purchase order or contract of the Navy of the United States for such reflector to be used on board a ship.

(3) On and after the 9th day of February 1943, no person, without specific authorization of the War Production Board, after application made by letter in duplicate, shall put in process any metal to close the end of a reflector or to be used in a shield, louver or baffle of a fluorescent lighting fixture except in the minimum amount required to join, attach or fasten such end, shield, louver or baffle to such fixture. The provisions of this paragraph shall not apply or control the manufacture or assembly of a fluorescent lighting fixture employing a hot or cold cathode tube, bulb, tubes or bulbs, provided such fixture is specifically designed and constructed for use on board ships or in hazardous locations as defined in paragraphs 5005 and 5006 of Article 500 of the National Electrical Code, 1940 Edition, or the manufacture or assembly of a flourescent lighting fixture designed and constructed for the operation of a 400 watt or a 3000 watt mercury vapor tube, bulb, tubes or bulbs, or the manufacture or assembly of a portable fluorescent lighting fixture of the type set forth in paragraph (a) (1) (ii) (*f*) of this order.

(4) On and after the 4th day of May 1943, no person shall put in process any ferrous metal for the manufacture of a fluorescent lighting fixture employing a hot cathode tube, bulb, tubes or bulbs, which fixture, exclusive of ballast, hanging or suspension devices, contains:

(i) More than three (3) pounds of ferrous metal and which fixture is designed and constructed for two or three 40 watt hot cathode tubes or bulbs; or

(ii) More than four (4) pounds of ferrous metal and which fixture is designed and constructed for two 100 watt hot cathode tubes or bulbs; or

(iii) More than three and one-half (3½) pounds of ferrous metal for each four linear feet of fluorescent lighting fixture (including top-housing) designed and constructed for two or three continuous parallel rows of 40 watt hot cathode tubes or bulbs; or

(iv) More than four and one-half (4½) pounds of ferrous metal for each five linear feet of fluorescent lighting fixture (including top-housing) designed and constructed for two parallel continuous rows of 100 watt hot cathode tubes or bulbs; or

NOTE: Paragraph (b) (5) redesignated; former paragraphs (b) (5) (i) (a), (b) (5) (ii) (*f*), (*h*) redesignated and amended; paragraph (b) (5) (ii) (j) revoked; paragraphs (b) (5), (6), added August 18, 1943.

(v) More than six (6) pounds of ferrous metal if the fixture is designed and constructed for four (4) 40 watt hot cathode tubes or bulbs in parallel arrangement.

(5) The provisions of paragraph (b) (4) of this order shall not apply to or control the manufacture or assembly of:

(i) A portable fluorescent lighting fixture as set forth in paragraph (a) (1) (ii) (*f*) of this order; or

(ii) A fluorescent lighting fixture employing a hot or cold cathode tube, bulb, tubes or bulbs, provided such fixture is specifically designed and constructed for use in hazardous locations as defined in paragraphs 5005 and 5006 of the National Electrical Code, 1940 Edition; or

(iii) A fluorescent lighting fixture to be used on board a ship which fixture is manufactured or assembled to fill a specific purchase order or contract of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration.

(6) On and after the 8th day of September 1943, no person shall put in process without specific written authorization from the War Production Board after application made by letter in duplicate, any ferrous metal for the manufacture of a fluorescent lighting fixture designed and constructed for:

(i) One hot cathode tube or bulb rated 30 watts or higher; or

(ii) Four or more hot cathode tubes or bulbs of any wattage arranged in parallel except as specified in subparagraph (b) (4) (v) of this order; or

(iii) A continuous row of single hot cathode tubes or bulbs of any wattage; or

(iv) Two or more hot cathode tubes or bulbs of any wattage arranged in parallel continuous rows except as specified in subparagraphs (b) (4) (iii) and (b) (4) (iv) of this order.

NOTE: Paragraph (7), formerly (5), redesignated August 18, 1943.

(7) *Sale and delivery.* Notwithstanding any contract or agreement to the contrary, no person shall sell or deliver any new fluorescent lighting fixture (that is any fluorescent lighting fixture which has never been used by an ultimate consumer) or any new component part of any fluorescent lighting fixture, except that:

(i) A person who regularly in the course of his business sells fluorescent lighting fixtures or component parts of fluorescent lighting fixtures, may sell and deliver:

(*a*) Prior to the 1st day of September 1943 any such fixture or component part to a manufacturer or assembler of fluorescent lighting fixtures, or to any other person who regularly in the course of his business sells fluorescent lighting fixtures or component parts thereof, but only for resale of such fixture, component part or component parts assembled by such other person into a fluorescent lighting fixture; or

(*b*) Any such fixture to any of the following governmental departments or agencies or to any person buying for the account of such departments or agencies: Maritime Commission, Navy Department, War Department, Metals Reserve Company, War Shipping Administration or any corporation organized under Section 5 (d) of the Reconstruction Finance Corporation Act as amended;

(ii) And any person may:

(*a*) Sell and deliver, pursuant to an order or contract bearing a preference rating of B-2 or better, a fluorescent lighting fixture, providing such fixture was manufactured on or before June 1, 1942, or was manufactured or assembled in accordance with the provisions of paragraph (b) (1) (i) (*b*) and/or (*c*) of this order.

(*b*) Sell and deliver a fluorescent lighting fixture manufactured or assembled subsequent to June 1, 1942, pursuant to an order or contract bearing a preference rating of A-1-j or better;

(*c*) Sell and deliver any component part of any fluorescent lighting fixture, pursuant to an order or contract bearing

a preference rating of A-1-j or better, or bearing any preference rating assigned under the Production Requirements Plan.

(*d*) Sell and deliver a hot cathode fluorescent lighting fixture designed and constructed for the operation of a tube, bulb, tubes or bulbs, no individual tube or bulb to have a rated wattage in excess of 30 watts, which fixture is manufactured or assembled in accordance with the provisions of paragraph (b) (1) (i) (*b*) and/or (*c*) of this order.

(*e*) Sell and deliver a cold cathode fluorescent lighting fixture which fixture is manufactured or assembled in accordance with the provisions of paragraph (b) (1) (i) (*b*) and/or (b) (1) (i) (*c*) of this order.

(*f*) Sell and deliver any component part of any fluorescent lighting fixture: *Provided*, That such person is engaged in the business of the manufacture and assembly of fluorescent lighting fixtures, and that the person purchasing or receiving such component part is also engaged in the same business, and any such sale and delivery shall be deemed to be permitted under the provisions of Priorities Regulation No. 13;

(*g*) Sell and deliver any component part of any fluorescent lighting fixture which is sold or delivered for the purposes of maintenance or repair;

(*h*) Deliver a fluorescent lighting fixture or any component part of any fluorescent lighting fixture to be used solely for purposes of demonstration or test of such fluorescent lighting fixture or component part thereof; and a person having title to a fluorescent lighting fixture or component part thereof may deliver such fluorescent lighting fixture or component part thereof from one branch, division or section of a single enterprise to another branch, division, or section of such enterprise.

(*j*) [Revoked August 18, 1943].

(c) *Avoidance of excessive inventories.* No person shall accumulate an inventory of any material (whether raw, semi-processed or processed) for manufacture into any fluorescent lighting fixture in excess of the minimum amount of such material necessary to maintain production of fluorescent lighting fixtures to the extent permitted by this order.

(d) *Records.* All persons affected by this order shall keep and preserve for not less than two (2) years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Reports.* Each person to whom this order applies shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of appeal.

(i) *Applicability of priorities regulations.* This order as amended and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board as amended from time to time.

(j) *Applicability of other orders.* Insofar as any other order issued by the War Production Board, or to be issued by it hereafter, limits the use of any material to a greater extent than the limits imposed by this order, the restrictions of such other order shall govern, unless otherwise specified therein.

(k) *Routing of correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Building Materials Branch, Washington 25, D. C., Ref: L-78.

(l) The provisions of this order calling for application by letter in duplicate (paragraphs (b) (1) (i) (*a*), (b) (3) and (b) (6)) have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 18th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13479; Filed, August 18, 1943; 11:13 a. m.]

PART 3161—SUN GLASSES

[General Limitation Order L-238 as Amended August 18, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account and for export of materials entering into the production of sun glasses and sun glasses cases; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3161.1 *General Limitation Order L-238*—(a) *Definitions.* For the purposes of this order:

(1) "Sun glasses" means spectacles or goggles designed primarily to protect the wearer's eyes from sun-glare and other harmful or discomforting rays of the sun.

(2) "Sun glasses case" means a case or container designed for carrying sun glasses when not being worn.

(3) "Aviation sun glasses" means sun glasses designed for use in aircraft by pilots, observers and other aircraft personnel.

(4) "Thermoplastics" means thermoplastics as defined in General Preference Order M-154.

(b) *Restrictions on the use of metals.* Except as provided in paragraph (c) of this order, no person shall incorporate any metal in the manufacture of sun glasses or any part thereof or sun glass cases or any part thereof.

(c) *Exceptions to paragraph* (b). (1) The provisions of paragraph (b) of this order shall not apply to the manufacture of sun glasses or sun glasses cases which are manufactured:

(i) From parts which were finished and ready for assembly on April 23, 1943, provided that such manufacture is completed on or before May 23, 1943; or

(ii) From metal to the extent permitted by Appendix A, attached to this order.

(2) The provisions of paragraph (b) of this order shall not apply to the manufacture of aviation sun glasses which are manufactured pursuant to a contract or purchase order for delivery to or for the account of (i) the Army or Navy of the United States, or (ii) any agency of the United States Government for delivery to or for the account of the Government of any country pursuant to the Act of March 11, 1941, entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act), provided that the specifications of such contract or purchase order specify aviation sun glasses which cannot be manufactured within the limitations of paragraph (b) and (c) (1) of this order. Notwithstanding the provisions of Priorities Regulation 17, the foregoing provisions of this paragraph (c) (2) shall not apply to any contract or purchase order for delivery to or for the account of any United States Army or Marine Corps Post Exchange or any United States Navy Ship's Service Department. Aviation sun glasses which are manufactured in accordance with the foregoing provisions of this paragraph (c) (2) shall be sold or delivered only to the Army or Navy of the United States (not including United States Army or Marine Corps Post Exchanges or United States Navy Ship's Service Departments), or the appropriate agency of the United States Government for Lend-Lease purposes.

(d) *Restrictions on the use of thermoplastics in sun glasses.* (1) No person shall incorporate any thermoplastics in the manufacture of sun glasses except to the extent permitted by Appendix A, attached to this order.

(2) Except as provided in subparagraph (3) of this paragraph (d), during the period beginning May 25, 1943, and ending June 30, 1943, no person shall use more thermoplastics in the manufacture of sun glasses than 90 per cent of the amount he used for such purpose during the corresponding period of 1942, and during each calendar quarter after June 30, 1943, no person shall use more thermoplastics in the manufacture of sun glasses than 90 per cent of the amount he used for such purpose during the corresponding calendar quarter of 1942.

(3) Any quantity of thermoplastics required to fill purchase orders or contracts of the Army or Navy of the United States, or of any agency of the United States Government for Lend-Lease purposes, shall not be charged against the quota permitted by subparagraph (2) of this paragraph (d). Notwithstanding the provisions of Priorities Regulation 17, the foregoing provisions of this subparagraph (3) shall not apply to any contract or purchase order for delivery to or for the account of any United States Army or Marine Corps Post Exchange or any United States Navy Ship's Service Department, with the exception that 25 per cent of the quantity of thermoplastics required to fill contracts or purchase orders for delivery to or for the account of any such Post Exchange or Ship's Service Department shall not be charged against the quota permitted by subparagraph (2) of this paragraph (d).

(e) *Applicability of regulations.* Except as otherwise provided herein, this order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(f) *Violations and false statements.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(h) *Communications.* All reports to be filed hereunder and communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Safety and Technical Equipment Division, Washington 25, D. C., Ref: L-238.

Issued this 18th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A

Pursuant to the provisions of paragraph (b) and paragraphs (c) (1) (ii) and (d) (1) of this order, a person may incorporate the following materials in the manufacture of sun glasses to the extent indicated:

(1) Steel for:

(i) Core wire in plastic temples, provided that such core wire is manufactured (a) from wire which was in his inventory on April 23, 1943, or (b) from wire obtained by him pursuant to a special sale, as defined in Priorities Regulation No. 13, and in accordance with the terms of that regulation;

(ii) Spring clips in slip-over type sun glasses;

(iii) Hinges, hinge pins, and rivets; and

(iv) Snaps for sun glasses cases.

(2) Brass for barrel-hinges, hinge pins, rivets, and screws to fill orders bearing preference ratings of AA-5 or higher.

(3) Copper (strike), zinc, silver, gold and palladium for electroplating.

(4) Thermoplastics in any part.

[F. R. Doc. 43-13480, Filed, August 18, 1943; 11:13 a. m.]

PART 3225—CALCIUM METAL

[Suspension of General Preference Order M-303]

The requirements of § 3225.1 (General Preference Order M-303) are hereby suspended until further notice.

Issued this 18th day of August 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-13481; Filed, August 18, 1943; 11:13 a. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RPS 66,[1] as Amended, Incl. Amdt. 5]

RETREADED AND RECAPPED RUBBER TIRES AND THE RETREADING AND RECAPPING OF RUBBER TIRES

Section 1315.1215, Tables I, II, IIA, III amended by Amendment 5, effective August 23, 1943, so that Revised Price Regulation No. 66 shall read as follows:

On January 10, 1942, Price Schedule No. 66[2] was issued establishing maximum prices for retreaded and recapped rubber tires, the retreading and recapping of rubber tires, and basic tire carcasses. Price Schedule No. 66, by order issued February 17, 1942,[3] was re-issued under Section 206 of the Emergency Price Control Act of 1942 as Revised Price Schedule No. 66.[4]

This Revised Price Schedule No. 66, as amended, establishes maximum prices for retreaded and recapped tires and for the retreading and recapping of tires. In establishing these maximum prices the Price Administrator has ascertained and given due consideration to the prices prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this schedule.

In the judgment of the Price Administrator, the maximum prices established by this Revised Price Schedule No. 66, as amended, are and will be generally fair and equitable and will effectuate the purposes of the Act. A statement of the considerations[5] involved in the issuance of this Amendment, has been issued simultaneously herewith and filed with the Division of the Federal Register.

CONTENTS

AUTHORITY: § 1315.1201 to 1315.1216, inclusive, issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

§ 1315.1201 *Maximum prices for retreaded and recapped rubber tires and the retreading and recapping of rubber tires.* On and after November 3, 1942, regardless of any contract, agreement, lease, or other obligation: (a) no person shall sell or deliver any retreaded or recapped tire, and no person shall buy or receive any such tire in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1315.1215; and (b) no person shall retread or recap any tire, and no person shall buy or receive the retreading or recapping of any tire in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof; and no person shall agree, offer, solicit or attempt to do any of the foregoing: *Provided,* That nothing in this Revised Price Schedule No. 66, as amended, shall prevent the fulfillment of contracts entered into before November 3, 1942, for the sale of retreaded or recapped tires or for retreading or recapping tires at prices not exceeding the maximum prices established by Revised Price Schedule No. 66, prior to the effective date of this Revised Price Schedule No. 66, as amended, November 3, 1942.

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[1] 7 F.R. 8803, 8948; 8 F.R. 3174, 7381, 8860, 8843.

[2] 7 F.R. 252, 727.

[3] 7 F.R. 1201.

[4] 7 F.R. 1333, 1837, 1836, 2132, 7364.

[5] Statements of considerations are also issued simultaneously with the issuance of amendments. Copies may be obtained from the Office of Price Administration.

§ 1315.1202 *Transactions not covered by this schedule*—(a) *Leasing or renting.* The maximum price for any supplying of tire mileage shall be determined according to Maximum Price Regulation No. 414[6]—Tire Mileage, as now or hereafter amended. The maximum price for any other leasing or renting of retreaded or recapped tires shall be determined according to Maximum Price Regulation No. 165, as Amended[7]—Services, as now or hereafter amended.

(b) *Termination sales under tire mileage contracts.* The maximum price for any termination sale or transfer of retreaded or recapped tires under a tire mileage contract shall be determined according to Maximum Price Regulation No. 414—Tire Mileage, as now or hereafter amended.

[§ 1315.1202 as amended by Amendment 3, 8 F.R. 8860, effective 7-2-43]

§ 1315.1203 *Less than maximum prices.* Lower prices than those set forth in § 1315.1215, Appendix A, may be charged, demanded, paid or offered.

§ 1315.1203a *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

[§ 1315.1203a added by Amendment 4, 8 F.R. 8843, effective 7-2-43]

§ 1315.1204 *Evasion.* (a) The price limitations set forth in this Revised Price Schedule No. 66, as amended, shall not be evaded whether by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to any retreaded or recapped tire, alone or in conjunction with any other commodity, or in connection with the retreading or recapping of any tire, or by way of commission, service, transportation or other charge, or by tying agreement or other trade understanding or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited:

(1) Increasing the charges for the extension of credit or for the demounting or mounting of a tire on a vehicle or rim, or for any other service over those in effect on January 9, 1942;

(2) Making any charges for the extension of credit or for the demounting or mounting of a tire on a vehicle or rim, or for any other service, if the seller had no special and separate charges in effect for such service on January 9, 1942;

(3) Making the terms and conditions of sale more onerous to purchasers than those available or in effect on January 9, 1942;

(4) Making any charges for repairs to the tire carcass in connection with the sale of a retreaded or recapped tire where the purchaser has not furnished the tire carcass to be retreaded or recapped.

(c) The purchaser shall always have the option of paying at the time of the purchase the full cash price for any retreaded or recapped tire or for retreading or recapping any tire. When a purchaser has a tire retreaded or recapped he shall have the option of bringing it to the seller's place of business without having it demounted from a vehicle or rim by the seller or having any other service performed, and of receiving delivery of any retreaded or recapped tire at the seller's place of business without having it mounted on a vehicle or rim or having any other service performed.

(d) Notwithstanding any other provisions of this section, when the seller has made necessary repairs to a tire carcass furnished by the purchaser for retreading or recapping, the seller, providing he bills it separately, may add to the maximum retreading or recapping price established by this Revised Price Schedule No. 66, as amended, an amount equal to the charges prevailing in the locality of the seller on January 9, 1942 for such repairs as were actually made to the tire carcass.

§ 1315.1205 *Minimum quality specifications.* (a) In order to be entitled to the maximum prices set forth in Appendix A (§ 1315.1215), retreaded or recapped tires and the retreading or recapping of tires must comply with all the minimum quality specifications set forth in Appendix B (§ 1315.1216).

(b) Maximum prices for retreaded or recapped tires and for the retreading or recapping of tires, when the tires or the retreading or recapping do not comply with all the minimum quality specifications set forth in Appendix B (§ 1315.1216), shall be the scrap rubber value of the tire at prices prevailing in the locality of the seller at the time of the sale.

§ 1315.1206 *Posting of prices.* (a) Every person engaged in the business of retreading or recapping tires shall keep posted in a conspicuous place in each establishment at which such retreading or recapping is contracted for, a statement setting forth the maximum prices which he is permitted to charge under Revised Price Schedule No. 66, as amended, for retreading or recapping such tires. For this purpose it shall be permissible to use a copy of the lists of maximum prices printed in Appendix A (§ 1315.1215).

(b) Every person engaged in the business of selling retreaded or recapped tires shall mark or post maximum prices for such tires in accordance with one of the following subparagraphs:

(1) Such seller shall keep posted in a conspicuous place in each establishment at which such tires are offered for sale, a statement setting forth the maximum prices which he is permitted to charge under Revised Price Schedule No. 66, as amended, for such retreaded or recapped tires. For this purpose it shall be permissible to use a copy of the lists of maximum prices printed in Appendix A (§ 1315.1215).

(2) Or such seller shall mark or post the maximum prices of such retreaded or recapped tires in accordance with the provisions of § 1499.13 (a) of the General Maximum Price Regulation.[8]

(c) If, on January 9, 1942, the seller had special and separate charges in effect for the extension of credit or for the demounting or mounting of a tire on a vehicle or rim, or for any other service, in connection with the sale of retreaded or recapped tires or the retreading or recapping of tires, and if he desires to continue such charges after November 3, 1942, such seller shall keep posted in a conspicuous place in each establishment at which such tires are offered for sale, or at which such retreading or recapping is contracted for, a statement listing the prices in effect on January 9, 1942, for such extra service.

§ 1315.1207 *Sales slips.* Every person engaged in the business of retreading or recapping tires or of selling retreaded or recapped tires shall furnish the purchaser with a written statement reciting: (a) the size of each tire sold, retreaded or recapped; (b) the price per unit; (c) the type of tread applied, specifying whether it is passenger-car, conventional truck and bus, stop-start, ground-grip, road grader, earth mover, rock service, farm tractor, rice and cane special service, or motorcycle; (d) the grade of camelback used; (e) the amount of any charges made by the seller for repairs to the customer's tire carcass and the nature and extent of such repairs, in cases where the tire carcass was furnished by the purchaser and such a charge is permissible.

§ 1315.1208 *Records and reports.* (a) Every person engaged in the business of retreading or recapping tires or of selling retreaded or recapped tires shall keep for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records of every sale of such tires or of every retreading or recapping operation performed, including: (1) the date thereof; (2) the name and address of the purchaser; (3) the quantity and size of tires sold, retreaded or recapped; (4) the price per unit; (5) the type of tread applied specifying whether it is passenger-car, conventional truck and bus, stop-start, ground-grip, road grader, earth mover,

[6] 7 F.R. 8854.

[7] 7 F.R. 6428, 6966, 8329, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782, 5681, 5755, 5933, 6364, 8506, 8873.

[8] 8 F.R. 3036, 3349, 4347, 4465, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9391.

rock service, farm tractor, rice and cane-special service, or motorcycle; (6) the grade of camelback used; and (7) the amount of any charges made by the seller for repairs to the customer's tire carcass and the nature and extent of such repairs, in cases where the tire carcass was furnished by the purchaser and such a charge is permissible.

(b) Such persons shall submit such reports to the Office of Price Administration, and keep such other records in addition to or in place of the records required by this section, as the Office of Price Administration may from time to time require or permit.

§ 1315.1208a *Filing statement of maximum prices.* The provisions of § 1499.13 (b) of the General Maximum Price Regulation requiring the filing of certain statements of maximum prices with the appropriate War Price and Rationing Board of the Office of Price Administration shall not apply to any sale or delivery of retreaded or recapped tires for which a maximum price is established by this Revised Price Schedule No. 66, as amended.

§ 1315.1209 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 66, as amended, are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Revised Price Schedule No. 66, as amended, or any price schedule, regulation or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state or regional office of the Office of Price Administration, or its principal office in Washington, D. C.

[NOTE: Supplementary Order No. 7 (7 F.R. 5176) provides that War Procurement Agencies and Governments whose defense is vital to the defense of the United States shall be relieved of liability, civil or criminal, imposed by price regulations issued by the Office of Price Administration.]

§ 1315.1210 *Licensing; applicability of the registration and licensing provisions of the General Maximum Price Regulation and Maximum Price Regulation No. 165, as amended.* (a) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation are applicable to every person selling at wholesale or retail any retreaded or recapped tire for which a maximum price is established by Revised Price Schedule No. 66, as amended. When used in this paragraph (a) the terms "selling at wholesale" and "selling at retail" have the definitions given to them by §§ 1499.20 (p) and 1499.20 (o), respectively, of the General Maximum Price Regulation.

(b) The registration and licensing provisions of §§ 1499.111 and 1499.112 of Maximum Price Regulation No. 165, as amended, are applicable to every person selling the service of retreading or recapping any tire for which service a maximum price is established by Revised Price Schedule No. 66, as amended.

§ 1315.1211 *Export sales.* The maximum prices at which a person may export retreaded or recapped tires shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation [9] issued by the Office of Price Administration.

§ 1315.1212 *Petitions for amendment.* Any person seeking an amendment of any provision of this Revised Price Schedule No. 66, as amended, may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.[10]

[§ 1315.1212 as amended by Supplementary Order 26, 7 F.R. 8948, effective 11-4-42]

[NOTE: Procedural Regulation No. 6 (7 F.R. 5087, 5665; 8 F.R. 6173, 6174) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Revised Supplementary Order No. 9 (8 F.R. 6175) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, excepting those which expressly prohibit such applications and certain specific regulations listed in Revised Supplementary Order No. 9.]

[NOTE: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

§ 1315.1213 *Definitions.* (a) When used in this Revised Price Schedule No. 66, as amended, the term:

(1) "Camelback" means the uncured rubber compound applied to the worn tire to make the new tread in the process of recapping or retreading;

(2) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing;

(3) "Purchaser" means a person who buys or offers to buy a retreaded or recapped tire, or who has any tire retreaded or recapped;

(4) "Recapping" means the process of tread renewal where the worn tread of the tire is buffed off the top surface of the tire and rubber is applied to the tread surface only, or the process of tread renewal where in addition to buffing off the worn tread the shoulders of the tire also are buffed below the shoulder design and rubber is applied to both the tread surface and tire shoulders;

(5) "Retreading" means the process of reconditioning a tire by removing all the original tread rubber from the worn tire down to the fabric and applying rubber to the tread surface and side walls;

(6) "Retreaded or recapped tire" means any rubber tire which has been retreaded or recapped and used less than 1,000 miles thereafter;

(7) "Rubber" means all forms and types of rubber, including synthetic and reclaimed rubber and any other rubber-like substance used as a rubber substitute;

(8) "Seller" means a person who sells or offers to sell a retreaded or recapped tire, or who retreads or recaps or offers to retread or recap any tire;

(9) "Service" does not include repairs to a tire carcass;

(10) "Tire carcass" means the rubber tire to which rubber is applied in a retreading or recapping operation, regardless of what thickness of tread such tire may have before such operation.

(11) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for sales to different purchasers or kinds of purchasers (for example, wholesaler, jobber, retailer) or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

[Paragraph (11) added by Amendment 1, 8 F.R. 3174, effective 3-18-43]

(b) Unless the context otherwise requires, the definitions set forth in section 382 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1315.1214 *Effective date of Revised Price Schedule No. 66, as amended.* This Revised Price Schedule No. 66, as Amended (§§ 1315.1201 to 1315.1216, inclusive) shall become effective November 3, 1942.

[Issued October 28, 1942]

§ 1315.1215 *Appendix A: Maximum prices for retreaded and recapped rubber tires and the retreading and recapping of rubber tires*—(a) *To purchasers for use*—(1) *Retreading and recapping (tire carcass furnished by purchaser).*

[9] Second Revision; 8 F.R. 4132, 7662, 9998.
[10] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

The maximum price for retreading or recapping a tire for a purchaser who is not in the business of selling retreading or recapping service is the price set forth for retreading or recapping such tire in the following tables.

(2) *Retreaded and recapped tires (tire carcass not furnished by purchaser)* The maximum price for a retreaded or recapped tire to a purchaser who is not in the business of selling such tires is the sum of the maximum price for retreading or recapping such tire plus the price set forth in the extreme right hand column of the table as the amount to be added when the tire carcass is not furnished by the purchaser.

(b) *To purchasers for resale.* (1) The maximum price for retreading or recapping a tire for a purchaser who is in the business of selling retreading or recapping service shall be determined by deducting the following discount from the maximum price fixed by paragraph (a) (1) and the maximum price for any sale or delivery of a retreaded or recapped tire to a purchaser who is in the business of selling such tires shall be determined by deducting the following discount from the maximum price fixed by paragraph (a) (2)

(i) 20% of the maximum price set forth in the appropriate table for retreading or recapping, exclusive of the amount set forth to be added for furnishing the tire carcass, is the discount to be deducted if the seller did not have a greater percentage discount in effect to a purchaser of the same class on December 1, 1942, for the same type of retreading or recapping or for the same type of retreaded or recapped tires.

(ii) If on December 1, 1942, the seller had in effect to a purchaser of the same class for the same type of retreading or recapping or for the same type of retreaded or recapped tires, a percentage discount greater than 20%, the discount to be deducted shall also be a percentage of the maximum price set forth in the appropriate table for retreading or recapping, exclusive of the amount set forth to be added for furnishing the tire carcass. That percentage shall be the percentage discount which the seller had in effect to a purchaser of the same class on December 1, 1942, for that type of retreading or recapping or for that type of retreaded or recapped tires: *Provided,* That in no case shall the discount required to be deducted by this paragraph be greater than 35%.

(iii) "Type" when used in subdivision (i) or (ii) refers to the types of tread for which separate categories are established in Tables I to IV.

(2) Notwithstanding any other provision of this schedule, the maximum prices to purchasers for resale fixed by this paragraph (b) shall be f. o. b. the seller's place of business.

[Paragraphs (a) and (b) as amended by Amendment 1, 8 F.R. 3174, effective 3-18-43]

TABLE I—PASSENGER-CAR TYPE OF TREAD,[1] INCLUDING STUDDED GROUND-GRIP[2]

Tire size[3]	Maximum prices for retreading or recapping, when the tire carcass is furnished by the purchaser		Add this price when the tire carcass is not furnished by the purchaser. The result is the maximum price for a retreaded or recapped tire
	When applying grade C[4] camelback	When applying grade F[4] camelback or any rubber other than grade C[4] camelback	
3.75-18	$4.35	$4.25	$2.75
4.25-12	4.20	4.20	2.75
4.40-21	4.55	4.45	2.75
4.50-20	4.60	4.60	2.75
4.50-21	5.00	4.85	2.75
4.75-19	5.10	4.95	3.20
4.75-20	5.25	5.10	3.20
5.00-16	5.20	5.05	3.20
5.00-17	5.40	5.20	3.20
5.00-19	5.50	5.40	3.20
5.00-20	5.60	5.50	3.20
5.00-21	5.70	5.60	3.20
5.25-17	5.75	5.60	3.20
5.25-18	6.10	5.90	3.20
5.25-19	6.15	6.05	3.20
5.25-20	6.45	6.25	3.20
5.25-21	6.60	6.40	3.20
5.50-16	6.20	6.00	3.20
5.50-17	6.30	6.10	3.20
5.50-18	6.85	6.65	3.20
5.50-19	7.05	6.85	3.20
5.50-20	7.15	6.95	3.20
6.00-16	6.70	6.50	3.50
6.00-17	7.00	7.25	3.50
6.00-18	8.15	7.90	3.50
6.00-19	8.45	8.20	3.50
6.00-20	8.65	8.45	3.50
6.00-21	9.05	8.75	3.50
6.25-16	7.40	7.15	4.00
6.50-15	7.70	7.45	4.00
6.50-16	7.80	7.55	4.00
6.50-17	9.05	8.75	4.00
6.50-18	9.20	8.90	4.00
6.50-19	9.60	9.00	4.00

TABLE I—PASSENGER-CAR TYPE OF TREAD,[1] INCLUDING STUDDED GROUND-GRIP[2]—Con.

Tire size[3]	Maximum prices for retreading or recapping, when the tire carcass is furnished by the purchaser		Add this price when the tire carcass is not furnished by the purchaser. The result is the maximum price for a retreaded or recapped tire
	When applying grade C[4] camelback	When applying grade F[4] camelback or any rubber other than grade C[4] camelback	
6.50-20	$9.35	$9.10	$4.00
7.00-15	9.10	8.80	4.55
7.00-16	9.20	9.00	4.55
7.00-17	10.00	9.05	4.55
7.00-18	10.40	10.05	4.55
7.00-19	10.55	10.25	4.55
7.00-20	10.75	10.45	4.55
7.00-21	11.35	11.00	4.55
7.00-14	10.05	9.75	5.25
7.00-15	10.20	9.95	5.25
7.00-16	10.45	10.10	5.25
7.00-17	10.85	10.55	5.25
7.00-18	10.95	10.65	5.25
7.00-19	11.20	10.90	5.25
8.25-15	12.90	12.50	6.55
8.25-16	13.00	13.50	6.55

[1] Passenger-car type of tread includes any tread of a type generally recognized as designed primarily for use on passenger automobiles.

[2] Studded ground-grip type of tread is a passenger-car type of tread and includes any such tread designed for traction through mud, snow, sand, or soft ground.

[3] For combination size tires, the maximum prices are the prices shown in the table for the larger of the combined sizes.

[4] Grades C and F camelback mean camelback which complies with the specifications issued by the War Production Board for Grades C and F camelback respectively.

[Footnote 4 amended by Amendment 5, effective 8-23-43.]

TABLE II—TRUCK AND BUS TYPES OF TREAD, WHEN APPLYING GRADE C[1] CAMELBACK OR WHEN APPLYING GRADE A[1] CAMELBACK TO ROCK SERVICE TREAD

Tire size[2]	Stop-start tire tire[3] No.	Ply	Maximum prices for retreading or recapping, when the tire carcass is furnished by the purchaser						Add this price when the tire carcass is not furnished by the purchaser. The result is the maximum price for a retreaded or recapped tire
			Conventional truck and bus[4]	Stop-start[5]	Ground-grip[6]	Road grader[7]	Earth mover[8]	Rock service[9]	
5.25-5.50-17	11	6	$5.00	$7.45	$8.25	———	———	———	$4.50
6.00-16	10	6	6.50	7.00	8.40	———	———	———	4.50
6.00-17	———	6	7.75	———	8.85	———	———	———	4.50
6.00-20	———	6	8.00	———	10.85	$10.00	———	———	4.50
6.00-20 (30 x 5)	———	8	8.00	———	10.85	10.00	———	———	6.00
6.25-16	———	6	7.00	———	8.05	———	———	———	4.75
6.50-16	13	6	7.00	8.40	9.40	———	———	———	4.75
6.00-17	———	6	9.15	———	10.25	———	———	———	4.75
6.50-20	———	6	10.15	———	13.80	12.70	———	———	4.75
6.50-20 (32 x 6)	17	8	10.15	14.05	13.80	12.70	———	———	6.00
7.00-15	———	6	9.20	———	9.85	———	———	———	5.00
7.00-16	15	6	9.40	10.00	11.45	———	———	———	5.00
7.00-17	———	6	10.25	———	11.05	———	———	———	5.00
7.00-17	———	8	10.25	———	11.05	———	———	———	6.00
7.00-18	———	8	10.65	———	12.00	———	———	———	6.00
7.00-20	19	8	11.25	17.20	17.00	20.05	———	$22.45	6.00
7.00-20 (32 x 6)	———	10	11.25	———	17.00	20.05	———	22.45	8.40
7.00-24 (30 x 6)	———	10	11.75	———	18.00	22.15	———	———	7.75
7.50-15	16	6	10.25	11.70	10.75	———	———	———	6.00
7.50-15	———	10	10.25	———	10.75	———	———	———	7.75
7.50-16	———	6	10.00	———	15.40	———	———	———	6.50
7.50-16	18	8	10.00	13.00	15.40	———	———	———	6.50
7.50-17	———	8	10.00	———	16.05	———	———	———	6.50
7.50-17	20	10	10.00	16.05	16.05	———	———	———	6.50
7.50-18	———	8	11.80	———	15.25	———	———	———	6.50
7.50-18	———	10	11.80	———	15.25	———	———	———	8.00
7.50-20	22	8	13.25	21.70	19.75	———	$17.00	20.85	7.20

See footnotes at end of table.

TABLE II—TRUCK AND BUS TYPES OF TREAD, WHEN APPLYING GRADE C[1] CAMELBACK OR WHEN APPLYING GRADE A[1] CAMELBACK TO ROCK SERVICE TREAD—Continued

Tire size[2]	Stop-start tire size[3] No.	Ply	Maximum prices for retreading or recapping, when the tire carcass is furnished by the purchaser						Add this price when the tire carcass is not furnished by the purchaser. The result is the maximum price for a retreaded or recapped tire
			Conventional truck and bus[4]	Stop-start[5]	Ground-grip[6]	Road grader[7]	Earth mover[8]	Rock service[9]	
7.50-20 (34 x 7)		10	$13.25		19.75		$17.00	$29.85	$9.60
7.50-20 (34 x 7)		12	13.25		19.75		17.00	29.85	10.20
7.50-24 (38 x 7)		10	14.00		21.05	$27.55			8.00
8.25-15		10	15.55		22.85				9.00
8.25-18	26	10	17.20	$24.10	24.75				10.80
8.25-20	28	10	17.80	27.65	26.45	28.85	21.25	31.90	10.80
8.25-20		12	17.80		26.45	28.85	21.25	31.90	10.80
8.25-22		10	18.70		28.15				10.80
8.25-24		10	19.70		29.90	31.05			10.80
9.00-13		6	13.55						6.50
9.00-15		12	19.45		22.10				12.00
9.00-18		10	20.95		28.70				12.00
9.00-20	34	10	21.45	33.75	31.55		28.80	38.00	12.00
9.00-20 (36 x 8)		12	21.45		31.55		28.80	38.00	12.00
9.00-22		10	22.05		32.95				12.00
9.00-24		10	22.55		34.50	32.90		41.50	12.00
9.00-24 (40 x 8)		12	22.55		34.50	32.90		41.50	12.00
10.00-15		12	20.80		30.90				13.20
10.00-18 (9.75 x 18)		12	23.30		37.70				13.20
10.00-20 (9.75 x 20)	40	12	23.75	41.70	40.00		35.65	48.10	13.20
10.00-20 (38 x 9)		14	23.75		40.00		35.65	48.10	13.20
10.00-22 (9.75 x 22)	42	12	24.20	43.90	41.65				13.20
10.00-24 (42 x 9)	45	14	24.85	44.25	43.35	34.75		52.10	14.40
11.00-18		12			44.25				14.40
11.00-20 (10.50 x 20)	48	12	25.80	46.75	47.05		40.65	56.45	14.40
11.00-20		14	25.80		47.05		40.65	56.45	14.40
11.00-22 (10.50-22)	50	12	27.50	49.45	49.40				14.40
11.00-24 (10.50-24)	52	12	28.75	51.50	51.55	35.75		62.05	14.40
12.00-20 (11.25-20)		14	35.85		61.55		48.70	74.05	16.80
12.00-20 (44 x 10)		16	35.85		61.55		48.70		16.80
12.00-22 (11.25-22)		14	37.30		63.70				16.80
12.00-24 (11.25-24)		14	38.70		65.95	37.95		79.30	16.80
12.00-24 (44 x 10)		16	38.70		65.95	37.95		79.30	18.00
13.00-20 (12.75-20)		16	48.60		71.55	39.55	56.10		18.00
13.00-24 (12.75-24)		8				42.85			9.00
13.00-24 (12.75-24)		16	53.30		76.15			91.90	18.00
14.00-20 (13.50-20)		16	57.00		95.00	59.75	63.60		19.20
14.00-20		18	57.00		95.00	59.75	63.60		20.20
14.00-20		20	57.00		95.00	59.75	63.60		21.40
14.00-24 (13.50-24)		16	62.55		99.75			119.85	19.20
16.00-20		16			164.95		132.90		22.00
16.00-20		18			164.95		132.90		24.80
16.00-24		16			177.20		145.20	245.15	30.00
16.00-24		18			177.20		145.20	245.15	33.00
18.00-24		12			205.25		168.25	276.00	42.00
18.00-24		16			205.25		168.25	276.00	50.00
18.00-24		20			205.25		168.25	276.00	55.00
18.00-40		20			454.00				55.00
21.00-24		16			319.80		318.70	350.35	72.50
21.00-24		20			352.15				93.50
24.00-32		24			809.25		798.90		137.50
24.00-32		36			1,000.90				192.50
30.00-40		28			1,586.05				220.00
30.00-40		34			1,929.50				330.00
36.00-40		34			2,477.25				440.00

[1] Grades C and A camelback mean camelback which complies with the specifications issued by the War Production Board for Grades C and A camelback, respectively.

[2] For any tire size where no maximum price is listed in this table under the particular heading for Ground-Grip, Road Grader, Earth Mover or Rock Service types of tread, the maximum price is that set forth for such size under the heading for Conventional Truck and Bus type of tread.

[3] Maximum prices set forth for stop-start type of tread apply only when such treads are applied to tires of a stop-start size listed in this column or of a size generally recognized as equivalent to one of such stop-start sizes. When a stop-start type of tread is applied to such an equivalent size of tire, the maximum price shall be that set forth for the appropriate stop-start size.

[4] Conventional truck and bus type of tread include any tread of a type generally recognized as designed primarily for ordinary "on the road" use on trucks or busses.

[5] Stop-start type of tread must have at least $13/32$ inches tread design depth at the center circumference of the tire and must contain at least as much rubber in the undertread and have a tread design depth at the center circumference of the tire which is at least $2/32$ inches deeper than the conventional truck and bus type of tread of the same retreader or recapper for the same size of tire. Stop-start type of tread includes any such extra heavy tread of a type generally recognized as designed primarily for city commercial use on trucks or busses.

[6] Ground-grip type of tread must contain at least as much rubber in the undertread and have a tread design depth at the center circumference of the tire which is at least $2/32$ inches deeper than the conventional truck and bus type of tread of the same retreader or recapper for the same size of tire. Ground-grip type of tread includes any such tread of a deep-cut, cleated type generally recognized as designed primarily for use on trucks for traction through mud, snow, sand, or soft ground.

[7] Road grader type of tread includes any tread of a type generally recognized as designed primarily for "off the pavement" use on the power driven wheels of highway maintenance and road construction machinery for traction through mud, snow, sand or soft earth.

[8] Earth mover type of tread includes any tread of a type generally recognized as designed primarily for providing flotation in soft earth for "off the road" use on earth moving vehicles.

[9] Rock service type of tread includes any extra heavy tread of a type generally recognized as designed primarily for heavy duty service on rocks or gravel in such work as earth hauling, quarrying, logging and road building.

[Table II heading amended, footnote 1 added, and former footnotes 1 through 8 redesignated 2 through 9 by Amendment 2, 8 F.R. 7381, effective 6-7-43; table and footnote 1 amended by Amendment 5, effective 8-23-43.]

TABLE IIA—TRUCK AND BUS TYPES OF TREAD, WHEN APPLYING GRADE A[1] CAMELBACK to SIZE 8.25–20 OR LARGER

Tire size[2]	Stop-start tire size[3] No.	Ply	Maximum prices for retreading or recapping, when the tire carcass is furnished by the purchaser					Add this price when the tire carcass is not furnished by the purchaser. The result is the maximum price for a retreaded or recapped tire
			Conventional truck and bus[4]	Stop-start[5]	Ground grip[6]	Road grader[7]	Earth mover[8]	
8.25-20	28	10	$18.65	$23.15	$27.60	$20.40	$22.25	$10.50
8.25-20		12	18.65		27.60	20.40	22.25	10.50
8.25-22		10	19.00		29.40			10.50
8.25-24		10	20.65		31.20	32.70		10.50
9.00-13		6	14.20					6.50
9.00-15		12	20.40		23.05			12.00
9.00-18		10	21.95		29.95			12.00
9.00-20	34	10	22.50	34.35	32.05		23.05	12.00
9.00-20 (36 x 8)		12	22.50		32.05		23.05	12.00
9.00-22		10	23.15		34.35			12.00
9.00-24		10	23.65		36.00	34.05		12.00
9.00-24 (40 x 8)		12	23.65		36.00	34.05		12.00
10.00-15		12	21.80		32.25			13.20
10.00-18 (9.75-18)		12	24.45		39.35			13.20
10.00-20 (9.75-20)	40	12	24.90	42.45	41.75		37.25	13.20
10.00-20 (38 x 9)		14	24.90		41.75		37.25	13.20
10.00-22 (9.75-22)	42	12	25.40	44.70	43.45			13.20
10.00-24 (42 x 9)	45	14	26.05	45.05	45.25	38.00		14.40
11.00-18		12			46.20			14.40
11.00-20 (10.50-20)	48	12	27.05	47.00	49.10		42.25	14.40
11.00-20		14	27.05		49.10		42.25	14.40
11.00-22 (10.50-22)	50	12	28.85	50.35	51.65			14.40
11.00-24 (10.50-24)	52	12	30.15	52.45	53.80	37.05		14.40
12.00-20 (11.25-20)		14	37.00		64.25		51.00	16.80
12.00-20 (44 x 10)		16	37.00		64.25		51.00	16.80
12.00-22 (11.25-22)		14	39.10		66.50			16.80
12.00-24 (11.25-24)		14	40.00		68.80	49.00		16.80
12.00-24 (44 x 10)		16	40.00		68.80	49.00		18.00
13.00-20 (12.75-20)		16	51.00		74.05	41.70	63.75	18.00
13.00-24 (12.75-24)		8				45.15		9.00
13.00-24 (12.75-24)		16	55.00		79.45			18.00
14.00-20 (13.50-20)		16	59.80		93.15		69.00	19.20
14.00-20		18	59.80		93.15		69.00	20.40
14.00-20		20	59.80		93.15		69.00	21.60
14.00-24 (13.50-24)		16	65.00		104.10	62.05		19.20
16.00-20		16			172.10		132.15	22.00
16.00-20		18			172.10		132.15	24.80
16.00-24		16			184.00		142.05	23.00
16.00-24		18			184.00		142.05	23.00
18.00-24		12			214.20		176.15	42.00
18.00-24		16			214.20		176.15	50.00
18.00-24		20			214.20		176.15	58.00
18.00-40		20			473.75			58.00
21.00-24		16			333.70		333.70	72.50
21.00-24		20			267.45			93.50
24.00-32		24			824.50		824.50	137.50
24.00-32		36			1,044.40			192.50
30.00-40		28			1,655.00			220.00
30.00-40		34			2,013.40			330.00
36.00-40		34			2,384.05			440.00

[1] Grade A camelback means camelback which complies with the specifications issued by the War Production Board for Grade A camelback.

[2] For any tire size where no maximum price is listed in this table under the particular heading for ground-grip, road grader or earth mover types of tread, the maximum price is that set forth for such size under the heading for conventional truck and bus type of tread.

[3] Maximum prices set forth for stop-start type of tread apply only when such treads are applied to tires of a stop-start size listed in this column or of a size generally recognized as equivalent to one of such stop-start sizes. When a stop-start type of tread is applied to such an equivalent size of tire, the maximum price shall be that set forth for the appropriate stop-start size.

[4] Conventional truck and bus type of tread includes any tread of a type generally recognized as designed primarily for ordinary "on the road" use on trucks or busses.

[5] Stop-start type of tread must have at least 1$\frac{5}{32}$ inch tread design depth at the center circumference of the tire and must contain at least as much rubber in the undertread and have a tread design depth at the center circumference of the tire which is at least $\frac{3}{32}$ inch deeper than the conventional truck and bus type of tread of the same retreader or recapper for the same size of tire. Stop-start type of tread includes any such extra heavy tread of a type generally recognized as designed primarily for city commercial use on trucks or busses.

[6] Ground-grip type of tread must contain at least as much rubber in the undertread and have a tread design depth at the center circumference of the tire which is at least $\frac{2}{32}$ inch deeper than the conventional truck and bus type of tread of the same retreader or recapper for the same size of tire. Ground-grip type of tread includes any such tread of a deep-cut, cleated type generally recognized as designed primarily for use on trucks for traction through mud, snow, sand or soft ground.

[7] Road grader type of tread includes any tread of a type generally recognized as designed primarily for "off the pavement" use on the power driven wheels of highway maintenance and road construction machinery for traction through mud, snow, sand or soft earth.

[8] Earth mover type of tread includes any tread of a type generally recognized as designed primarily for providing flotation in soft earth for "off the road" use on earth moving vehicles.

[Table II A added by Amendment 2, 8 F.R. 7381, effective 6-7-43; table and footnote 1 amended by Amendment 5, effective 8-23-43]

TABLE III—FARM TRACTOR[1] AND RICE AND CANE SPECIAL SERVICE[2] TYPES OF TREAD

Tire size	Maximum prices for retreading or recapping, when the tire carcass is furnished by the purchaser.		Add this price when the tire carcass is not furnished by the purchaser. The result is the maximum price for a retreaded or recapped tire
	When applying Grade C[3] camelback	When applying Grade F[3] camelback or any rubber other than Grade C[3] camelback	
Fronts:			
4.00-9	$4.25	$4.15	$2.75
4.00-15	4.60	4.45	2.75
4.00-19	4.85	4.70	2.75
4.75-15	5.70	5.55	3.20
5.00-15	6.00	5.85	3.20
5.25-21	6.70	6.50	3.20
5.50-16	6.65	6.45	3.20
6.00-9	10.15	9.90	3.50
6.00-12	7.50	7.30	3.50
6.00-16	7.00	7.40	3.50
6.00-20	8.25	8.05	3.50
6.25-16	7.00	7.70	4.00
6.50-16	8.65	8.40	4.00
7.50-19	11.15	10.85	5.25
7.50-16	9.65	9.40	5.25
7.50-18	10.35	10.05	5.25
7.50-20	11.50	11.20	5.25
9.00-10	14.25	13.90	6.55
Backs:			
6.00-22	8.20	7.75	4.00
7-32	15.20	14.25	4.00
6.50-22	16.65	15.75	4.50
6.50-40	20.85	19.70	4.50
7-36	18.35	17.25	4.50
7-40	19.20	18.15	4.50
7-44	20.20	19.05	4.50
7.00-22	12.65	11.40	5.00
7.00-24, 8-24	15.20	14.35	5.00
8-32	19.85	18.75	5.00
8-36	23.10	21.85	5.00
8-38	23.20	21.95	5.00
7.50-40, 8-40	24.65	23.20	5.00
7.50-22	12.65	11.85	6.50
7.50-24, 9-24	17.35	16.40	6.50
9-28	22.10	20.90	8.00
9-32	25.65	25.50	8.00
7.50-36, 9-36	29.75	28.10	8.00
9-38	31.00	29.15	8.00
7.50-40, 9-40	33.85	32.00	8.00
8.25-24, 10-24	23.05	22.05	9.45
10-28	24.85	23.50	9.45
10-32	25.85	24.45	9.45
8.25-36, 10-36	31.15	29.45	9.45
10-38	34.15	32.20	9.45
9.00-24, 11-24	23.75	27.20	10.00
11-28	28.05	27.35	10.00
9.00-28, 11-28	29.00	27.20	10.00
9.00-36, 11-36	32.00	30.25	10.00
11-38	32.55	30.75	10.00
9.00-40, 11-40	33.10	31.20	10.00
12-24	29.00	28.00	10.00
12-28	31.70	29.95	10.00
12-32	33.35	31.55	10.00
10.00-36, 12-36	40.25	38.05	11.00
12-38	41.05	39.05	11.00
10.00-40, 12-40	42.00	40.05	11.00
10.00-44	45.05	43.45	11.00
11.25-24, 12-24	35.70	33.75	12.20
11.25-28, 12-28	37.00	34.85	12.65
12-30	42.20	39.10	12.65
11.25-32, 12-32	44.10	41.70	12.65
11.25-40, 12-40	47.85	45.05	13.75
12.75-24, 14-24	42.25	40.00	14.30
12.75-28, 14-28	47.85	45.25	14.85
14-30	50.25	47.50	14.85
12.75-32, 14-32	52.05	49.75	15.40
13.00-24, 15-24	43.20	45.05	15.40
13.00-28, 15-28	53.05	50.70	15.95
13.00-32, 15-32	53.00	54.80	16.50

[1] Farm tractor type of tread includes any tread of a type generally recognized as designed primarily for use on farm tractors.

[2] Rice and cane special service type of tread includes any deep-cut, high cleated tread of a type generally recognized as designed primarily for use in muck and water.

[3] Grades C and F camelback mean camelback which complies with the specifications issued by the War Production Board for Grades C and F camelback, respectively.

[Table III amended by Amendment 2, 8 F.R. 7381, effective 6-7-43 and Amendment 5, effective 8/23/43.]

TABLE IV—MOTORCYCLE TYPE OF TREAD[1]

Tire size	Maximum prices for retreading or recapping, when the tire carcass is furnished by the purchaser	Add this price when the tire carcass is not furnished by the purchaser. The result is the maximum price for a retreaded or recapped tire
4.00-18	$4.70	$2.75
4.00-19	4.80	2.75
4.50-18	5.10	2.75
4.50-19	5.30	2.75
5.00-16	5.75	3.20

[1] Motorcycle type of tread includes any tread of a type generally recognized as designed primarily for use on motorcycles.

§ 1315.1216 *Appendix B: Minimum quality specifications*—(a) *Retreading and recapping (tire carcass furnished by purchaser).* In order to be entitled to the maximum prices set forth in Appendix A (§ 1315.1215), retreading or recapping must comply with all the following minimum quality specifications, when the tire carcass is furnished by the purchaser:

(1) Tire casing must be uniformly buffed.

(2) Tire casing and all materials must be moisture free and free of dirt.

(3) Camelback must be applied to completely cemented and dried surface.

(4) Camelback must be stitched down thoroughly.

(5) Curing must be in full circle molds or steam kettle in accordance with instructions of the manufacturer of the camelback used.

(6) Finished tire tread must adhere uniformly, must be a circle without bulges or sunken areas, and must be completely filled out and free of porosity and imperfections.

(b) *Retreaded and recapped tires (tire carcass not furnished by purchaser).* In order to be entitled to the maximum prices set forth in Appendix A (§ 1315.1215), when the tire carcass is not furnished by the purchaser, retreaded or recapped tires must comply with all the minimum quality specifications set forth in paragraph (a) of this section for retreading or recapping, the tire carcass used must have been a treadable tire as defined in subparagraph (1), and if such tire carcass is not sound as defined in subparagraph (1), it must be repaired in compliance with the minimum quality specifications for repairs set forth in subparagraph (2).

(1) *Treadable tire.* "Treadable tire" means a rubber tire or tire casing which is sound or which, if not sound, warrants repair and retreading or recapping in accordance with recognized commercial practice, and which can reasonably be expected to render satisfactory service under limited operating conditions (speed not over 35 miles per hour and no overload). "Sound" as applied to a tire means a tire which has not been damaged to the extent that it is in need of repair in accordance with recognized commercial practice and which can reasonably be expected to render satisfactory service under limited operating conditions (speed not over 35 miles per hour and no overload). Specifically, a treadable tire must meet at least the following conditions.

(i) The cord body: (*a*) Must not be worn through more than one body ply for a total length of more than four inches on four-ply tires;

(*b*) Must not be worn through more than two plies for a total length of more than four inches on tires of six plies or more;

(*c*) Must not have or show evidence of having had more than two injuries requiring sectional or reinforcement repairs, each not exceeding one-third the cross-sectional diameter of the tire, except that, in the case of a truck tire, it may have an injury not exceeding one-half the cross-sectional diameter of the tire, if that is the only injury to the cord body. Example—Breaks in 600/16 (6 inch) tires must not be more than two inches long: 900/20 (9 inch) tires not more than three inches long, unless there is only one break, in which case it must not be more than four and one-half inches long;

(*d*) Must not have more than three radial cracks of more than one inch in length extending to the cord body;

(*e*) Must not have separation between plies;

(*f*) Must not have been damaged to the extent that cords are pulled loose beyond the first inside ply;

(*g*) Must not have injuries below any point where the top of the rim flange makes contact with the tire;

(*h*) Must not have or exhibit circumferential or flex breaks on the inside ply;

(*i*) Bead area must be sound with no broken wires.

(ii) The tread and sidewall must not be weather checked or cracked to the extent that the tire has more than two radial cracks which extend through the cord body.

(2) *Repairs.* A repair must be a vulcanized spot repair, or vulcanized reinforcement or vulcanized sectional repair which can be accomplished in accordance with recognized commercial practice and which can be reasonably expected to render satisfactory service under limited operating conditions (speed not over 35 miles per hour and no overload) so that the tire when repaired will be in a safe condition for service.

(i) "Vulcanized spot repair" means a repair which in accordance with recognized commercial practice should be applied to such tire damage as: surface blisters, cuts, and other injuries which can be satisfactorily repaired without fabric reinforcement; small injuries to not more than one ply in a four-ply tire; small injuries to not more than two plies in a six-ply tire; small injuries to not more than one-fourth of the total plies in heavier tires. Specifically, such repair must meet at least the following conditions:

(*a*) Loose portions of tread and sidewall rubber must be removed.

(*b*) Surfaces must be skived, roughened, cemented.

(*c*) Tire casing and repair materials must be moisture free.

(*d*) Rubber must be applied after cement is dry.

(*e*) Curing must be in accordance with instructions of the manufacturer of the repair materials used.

(ii) "Vulcanized reinforcement repair" means a repair requiring fabric reinforcement which in accordance with recognized commercial practice should be applied to such tire damage as worn tread spots or other injuries which involve ply damage exceeding that to which a vulcanized spot repair should be applied but where at least two of the plies are sound and uninjured. "Vulcanized sectional repair" means a repair requiring fabric reinforcement which in accordance with recognized commercial practice should be applied to such tire damage as breaks or cuts through the entire tire casing, nail holes enlarged by prolonged neglect, or other injuries which do not leave two of the plies sound and uninjured and thus involve ply damage exceeding that to which a vulcanized reinforcement repair should be applied. For a reinforcement repair, the patch may be lighter than for a sectional repair, but in no case may a patch lighter than two plies be used. Specifically, such repairs must meet at least the following conditions:

(*a*) Injured rubber and fabric must be removed.

(*b*) Area around injury must be skived at an angle to give maximum bonding surface and stress resistance (usually 45 degrees).

(*c*) Tire casing and repair materials must be moisture free.

(*d*) Surface must be buffed, cemented, and allowed to dry, then cemented again and allowed to dry again.

(*e*) Skived portion of the inner casing must be filled with cushion gum level with the inner band ply.

(*f*) Ready-built patch or built-in cord fabric must be applied in accordance with manufacturer's instructions regarding number of plies, size of patch, ply direction, and application.

(*g*) Tread portion of skive must be lined with skim coating of cushion gum or tie gum and filled with tread gum slightly above level of the tread.

(*h*) Curing must be in accordance with instructions of the manufacturer of the repair materials used. Proper pressure must be maintained during cure.

(*i*) Repaired portions must present smooth surfaces inside and out; tread, buttress, and sidewall designs must be restored to match those on the rest of the tire; and exterior contour must be maintained.

(*j*) Finished repair must be free of porosity and other imperfections.

[NOTE: Under the provisions of Supplementary Order No. 44 (8 F.R. 5305), Revised Price Schedule No. 66, as amended, is adopted and affirmed to be applicable to the Territory of Hawaii.]

Issued this 17th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13444; Filed, August 18, 1943; 9:13 a. m.]

PART 1381—SOFTWOOD LUMBER

[MPR 253,[1] Amdt. 5]

REDWOOD LUMBER AND MILLWORK

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 253 is amended by deleting paragraph (b) of Section 1381.405 and by renumbering paragraph (c) as (b).

This amendment shall become effective August 23, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13445; Filed, August 18, 1943; 9:13 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR,[2] Amdt. 18]

ALUMINUM SULPHATE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 4.10 is added to read as follows:

SEC. 4.10 *"War grade" iron-free aluminum sulphate*—(a) *Maximum prices*—(1) *Sales by manufacturer.* A manufacturer of "war grade" iron-free aluminum sulphate who has complied with the reporting requirements of subdivision (i) below may add to his maximum prices per 100 pounds for such commodity as established under § 1499.2 an amount equal to the amount by which his average total cost per 100 pounds for producing such commodity during the months of March, April, and May 1943 exceeds his average net sales realization per 100 pounds of the iron-free aluminum sulphate delivered during March 1942; *Provided,* That such addition may in no case exceed 50¢ per 100 pounds.

(i) *Report.* The provision of this subparagraph (1) shall apply only to sales by a manufacturer of "war grade" iron-free aluminum sulphate who prior to September 13, 1943 has filed with the Office of Price Administration in Washington, D. C. a statement showing:

(*a*) His maximum prices for sales of iron-free aluminum sulphate as established under § 1499.2.

(*b*) The amount he has added under the provisions of this subparagraph (1) to the maximum prices referred to in subdivision (i) (*a*).

(*c*) Full details of the calculation used to arrive at the addition referred to in subdivision (i) (*b*), including a full explanation of the basis of allocation of all costs not directly attributable to the manufacture of "war grade" iron-free aluminum sulphate.

(*d*) His maximum prices per 100 pounds for "war grade" iron-free aluminum sulphate after application of the addition referred to in subdivision (i) (*b*).

(b) A reseller of "war grade" iron-free aluminum sulphate may add to the maximum prices determined under § 1499.2 for such commodity an amount per 100 pounds not in excess of the amount per 100 pounds added by his supplier under the provisions of this section to such supplier's maximum price for such commodity.

(c) *Notification.* Any seller of "war grade" iron-free aluminum sulphate who increases his maximum prices therefor under the provisions of this section shall, with or prior to the first delivery to a purchaser of such commodity after such increase, furnish the purchaser the following notice:

The Office of Price Administration has given us permission to increase our maximum price for "war grade" iron-free aluminum sulphate (specify quantity and container) from $_____ to $_____ per 100 pounds. You are permitted to increase your maximum price for sales of this commodity by the same amount. If you do so, you are required to furnish each customer with or prior to the first delivery after such increase a written notice similar to this one.

(d) *Definitions.* As used in this section the term:

(1) "'War grade' iron-free aluminum sulphate" means aluminum sulphate containing less than .008 percent of iron by weight and produced from bauxite which is not "restricted bauxite" as that term is defined by General Preference Order M-1-h issued by the War Production Board on July 7, 1942.

(2) "Average total cost per 100 pounds" means the total cost for the period specified divided by the number of hundreds of pounds of "war grade" iron-free aluminum sulphate produced during such period.

(3) "Total cost" means all costs assignable to the production of "war grade" iron-free aluminum sulphate during the period specified less a credit equal to the net sales value of any by-product or joint product produced during such period after subtracting all costs directly attributable to additional processing, packaging, or delivery of such by-product or joint product. Such costs include direct labor, material, fuel, power, and container costs, together with reasonable allocations of indirect labor, supplies, depreciation of plant and equipment actually used in manufacture, maintenance and repairs, and similar items commonly associated with factory operations, plus reasonable allocations of insurance, property taxes, general administrative and selling expenses and similar items, but do not include idle plant expenses, profits, income and excess profit taxes, or war reserves or other reserves for contingencies.

(4) "Average net sales realization per 100 pounds" means the total net sales revenue received by the manufacturer from deliveries of iron-free aluminum sulphate during the period specified, after allowance of all discounts and after payment of all transportation charges incurred by him, divided by the total number of hundreds of pounds delivered during such period.

This amendment shall become effective August 23, 1943.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13446; Filed, August 18, 1943; 9:14 a. m.]

PART 1305—ADMINISTRATION

[Gen. RO 5,[1] Amdt. 34]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

General Ration Order No. 5 is amended in the following respects:

1. Section 11.5 (b) is amended to read as follows:

(b) An institutional user who has received a supplemental allotment of a rationed food during the third or a subsequent allotment period shall, when he applies for the allotments for the second allotment period following the one for which he received the supplemental allotment, report the number of persons served, and in the case of a Group III user, his dollar revenue, for the period for which he received the supplemental allotment. (For example, if he received a supplemental allotment during the third (July-August) allotment period he shall report such information when he applies for allotments for the fifth (November-December) allotment period.) The Board shall then compute an allotment in the same way it computes allotments pursuant to section 6.3 or section 7.3, whichever is applicable, using the figures for the allotment period in question as if they were the figures for the first two of the three calendar months preceding that period. If the result so obtained is less than the sum of the original and supplemental allotment received for the period, the difference shall be deducted from the allotments for which he is applying.

This amendment shall become effective August 16, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9230, 10848; 8 F.R. 1139, 4136, 4720, 7197, 1169.

[2] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025.

[1] 8 F.R. 10002.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, Supp. Dir. 1–E, 1–M, and 1–R, 7 F.R. 562, 2965, 7234, 9684, respectively; Food Dir. 3, 5, 6 and 7, 8 F.R. 2005, 2251, 3471, respectively.)

Issued this 17th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13443; Filed, August 18, 1943; 9:13 a. m.]

PART 1300—PROCEDURE

[Procedural Reg. 9,[1] Amdt. 9]

UNIFORM APPEAL PROCEDURE UNDER RATION ORDERS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1300.611 (d) is amended to read as follows:

(d) *Region IV.* Alabama: Montgomery, Birmingham; Florida: Jacksonville, Tampa; Georgia: Atlanta, Savannah; Mississippi: Jackson; North Carolina: Raleigh, Charlotte; South Carolina: Columbia; Tennessee: Knoxville, Nashville, Memphis; Virginia: Norfolk, Richmond, Roanoke.

This amendment shall become effective August 23, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280; 7 F.R. 10179; W.P.B. Dir. 1, 7 F.R. 562; Sec. of Agr. Food Dir. 3, 8 F.R. 2005, Food Dir. 5, 8 F.R. 2251, Food Dir. 6, 8 F.R. 3471, Food Dir. 7, 8 F.R. 3471, Food Dir. 8, 8 F.R. 7093)

Issued this 18th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–13487; Filed, August 18, 1943; 12:02 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 5,[2] Amdt. 33]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

General Ration Order No. 5 is amended in the following respects:

1. The title of Article IX is amended to read as follows:

Article IX—Issuance of Certificates and Ration Coupons.

2. A new section 9.5 is added to read as follows:

SEC. 9.5. *Issuance of ration coupons.* (a) Wherever in General Ration Order No. 5 a Board, district office or the Washington Office of the Office of Price Administration is authorized to issue certificates for processed foods or foods covered by Ration Order 16, it shall issue "ration coupons" instead to institutional users who are not entitled to have ration bank accounts pursuant to section 16.2. (Ration coupons may not be issued to an institutional user who is entitled to have an account, even if he does not actually have one.)

3. A new section 9.6 is added to read as follows:

SEC. 9.6. *Use of ration coupons.* (a) Wherever in this order an institutional user is required to surrender, deposit, issue or receive stamps, certificates or ration checks for processed foods or foods covered by Ration Order 16, ration coupons may be used or accepted instead. (However, ration coupons may not be used for an institutional user establishment which has a ration bank account. Any coupons received by that establishment must be deposited in its account.

4. Section 16.2 is amended to read as follows:

SEC. 16.2. *Who may open accounts.* (a) A Group II or III institutional user who served 3,000 or more persons in December 1942, or in any month from March 1943 on, may open and keep an account for any rationed food. (Other institutional users may not.) Only one ration bank account may be opened for all the foods covered by Ration Order No. 16. The opening of an account for one rationed food does not require him to open an account for any other rationed food.

(b) If the establishments of a Group II or III institutional user are separately registered, he may open separate accounts for any one or more of his establishments at which he served 3,000 or more persons. He may not use the same account for more than one establishment.

(c) Any Group II institutional user who is eligible to open a ration bank account and who has combined his establishments in one registration, may open one account for all his Group II establishments, or a separate account for each or for any combination of them. Any Group III institutional user who is eligible to open a ration bank account and whose establishments are registered together has the same privilege for his Group III establishments. No account may be opened for, or serve, establishments in more than one Group. If an account is opened pursuant to this paragraph for any establishment in Group II or Group III, all other establishments in the same group must also have an account or accounts.

5. A new section 16.4 is added to read as follows:

SEC. 16.4. *Closing of certain accounts.* (a) An institutional user who has an account but who, under the provisions of section 16.2, as amended, is not eligible to have an account shall promptly inform his bank in writing of this fact, and he shall reduce the balance in his account to zero on or before November 1, 1943.

6. Section 22.1 is amended by inserting between the definitions of "Ration check" and "Ration credits", the following:

"Ration coupons" means coupons, in denominations of 1, 5, 20, 100 and 1000, so designated in Ration Orders No. 13 or 16.

This amendment shall become effective August 18, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws, 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1, Supp. Dir. 1–E, 1–M and 1–R, 7 F.R. 562, 2965, 7234, 9684, respectively; Food Dir. 3, 5, 6 and 7, 8 F.R. 2005, 2251, 3471, respectively)

Issued this 18th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13488; Filed, August 18, 1943; 12:01 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO1A,[1] Amdt. 45]

TIRES, TUBES, RECAPPING AND CAMELBACKS

A rationale to this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 1A is amended in the following respects:

1. Section 1315.302 (g) is added to read as follows:

(g) Tires or new tubes being imported into the United States for the personal use of the importer. The local board serving the area in which the port of entry into the United States is located, and the local board normally having jurisdiction over the vehicle upon which the tires or new tubes are to be used shall have concurrent jurisdiction.

2. Section 1315.807 (g) is amended to read as follows:

(g) *Importation of tires or new tubes.* Tires or new tubes may not be imported into this country for the personal use of the importer and if held in Customs may not be released for such personal use, unless the importer holds the Part D of OPA Form R–2, revised, issued by a War Price and Rationing Board.

(1) Application for this certificate must be made on OPA Form R–1, revised, to the local War Price and Rationing Board nearest the desired port of entry into the United States, or to the local board normally having jurisdiction over the vehicle on which the tires or new tubes are to be used. In addition to the application on Form R–1, revised, the applicant must also furnish the board to which application is made an affidavit containing the following information:

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 8796, 8 F.R. 856, 1838, 2030, 2595, 2941, 4350, 4929, 8381.

[2] 8 F.R. 10002.

[1] 7 F.R. 9160, 9392, 9724.

(i) The serial number (brand name, if no serial number) of each tire and the size of each tire or new tube to be imported.

(ii) The total number of miles that the tires or new tubes to be imported have been driven. (A tube driven 1,000 miles or over is no longer a new tube).

(2) If the applicant establishes, in accordance with the provisions of this order, eligibility and need for the number and particular type and grade of tires or new tubes which he wishes to import, the board will issue the Part D of OPA Form R–2, revised, for the number, type and grade of tires or new tubes to be imported indicating thereon the serial number of each tire and the size of each tire or new tube.

(3) The presentation of the Part D of OPA Form R–2, revised, to the United States Customs officials shall be the authorization, insofar as the regulations of the Office of Price Administration are concerned, for the importation into the United States of the tires or new tubes described on such certificate. The Part D should be retained by the importer.

(4) If the applicant is unable to obtain an authorization to import tires or new tubes held in Customs he may dispose of such tires or new tubes as follows:

(i) To any dealer or manufacturer of tires and tubes located in the United States, upon written authorization of the District Director having jurisdiction over the area in which the dealer or manufacturer is located. Application for such authorization must be made in accordance with the provisions of § 1315.804 (e) (3) of Ration Order No. 1A.

(ii) To the Defense Supplies Corporation.

(iii) To any person located outside the continental limits of the United States.

(5) Authorization of the Office of Price Administration is not necessary to import tires or new tubes in the following cases:

(i) Any person who makes a sworn statement to the United States Customs officials that his vehicle has been outside the continental United States continuously since December 1, 1942, or since the date of its purchase, may import tires or new tubes which are mounted on such vehicle.

(ii) Any person who has had his own tires recapped while outside the continental United States.

(iii) Any person may import used tubes (tubes which have been driven 1,000 miles or more) without restriction since used tubes are no longer subject to rationing control.

(iv) Any diplomatic representative of a foreign Government may import tires or new tubes for his own personal use, or for the use of members of his staff.

(v) Any commercial representative of a foreign Government may import tires or new tubes for use in his official business.

(vi) Any person may import tires or new tubes from the Dominion of Canada: *Provided,* That such tires or new tubes were manufactured in the continental United States, Canada or the British Isles.

This amendment shall become effective August 23, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942; W.P.B. Dir. No. 1, 7 F.R. 562; Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 18th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–13465; Filed, August 18, 1943; 12:03 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A,[1] Amdt. 40]

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale to this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 1A is amended in the following respects:

1. Section 1315.201 (a) (38) is amended to read as follows:

(38) "Used," as applied to tires and tubes, means any tire or tube which has been used 1,000 miles or more, or any recapped tire.

2. Section 1315.514 is added to read as follows:

§ 1315.514 *Eligibility for recapping service for tires held for resale.* The District Director for the area in which a dealer is located may, upon written application by the dealer, issue certificates for recapping service for truck-type tires held by him for resale provided such tires have been examined and approved for recapping by an OPA Tire Examiner. The dealer shall state in his application the sizes and serial numbers of the tires to be recapped.

3. Section 1315.603 (a) is amended by substituting a colon for the period at the end of the first sentence thereof and adding the following clause after the colon:

Provided, however, That if application for a certificate for a tire is made for a passenger automobile for which a Tire Inspection Record is required under § 1315.701, all the tires mounted on such passenger automobile shall be inspected and their condition certified by an authorized inspector.

4. Section 1315.607 (b) (3) is added to read as follows:

(3) A District Director may issue to a dealer certificates on OPA Form R–2 (Revised) for recapping service for truck-type tires held for resale.

5. Section 1315.704 (a) is amended by deleting the phrase "or remove a tire from" and the commas preceding and following it.

6. Section 1315.804 (k) is added to read as follows:

(k) *Transfer of used truck tires.* (1) A manufacturer may, upon written authorization of the District Director for the area in which the transferee is located, transfer used truck-type tires to a dealer. Application for such authorization shall be made in writing by the transferor.

(2) A dealer receiving tires under the provisions of this Section shall, within ten days of the receipt of the tires, notify his OPA District office of the number of such tires he has designated as scrap. He shall not dispose of any tires so designated for a period of thirty days from the date of the notification unless such tires have been inspected by an OPA Tire Examiner.

7. Section 1315.807 (d) is amended by deleting the phrase "Regional Office" and inserting the phrase "District Office" in lieu thereof.

This amendment shall become effective August 18, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 18th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13430; Filed, August 18, 1943; 12:03 p. m.]

PART 1367—FERTILIZER

[Rev. MPR 135,[1] Amdt. 5]

MIXED FERTILIZER, SUPERPHOSPHATE AND POTASH

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 135 is amended in the following respects:

1. Section 1367.41 (c) is amended to read as follows:

(c) *Imports.* The provisions of this regulation apply to the purchases, sales and deliveries of the mixed fertilizer, superphosphate and potash named in this regulation originating outside of and imported into continental United States.

This amendment shall become effective August 24, 1943.

(Pub. Laws 421 and 729, 77th Cong. and Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 18th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–13491; Filed, August 18, 1943; 12:02 p. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 9752, 10079, 10035, 10264, 10430, 10733.

[1] 7 F.R. 11075; 8 F.R. 1459, 3621, 8540, 10572.

PART 1381—SOFTWOOD LUMBER

[MPR 454]

AROMATIC RED CEDAR LUMBER

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1381.102 *Maximum prices for aromatic red cedar lumber.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 454 (Aromatic Red Cedar Lumber) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1381.102 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

MAXIMUM PRICE REGULATION NO. 454—AROMATIC RED CEDAR LUMBER

CONTENTS

SECTION 1. *Prices higher than ceiling prohibited.* (a) On and after August 24, 1943, regardless of any contract or other obligation, no person shall sell or deliver and no person shall buy or receive in the course of trade or business, any aromatic red cedar lumber for direct-mill shipment at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer, or attempt to do any of these things.

(b) Prices lower than the maximum prices may, of course, be charged and paid.

SEC. 2. *What products, transactions, and persons are covered.* This regulation covers all direct-mill sales of aromatic red cedar lumber (Juniperus virginiana) graded under the effective grading Rules of the National Hardwood Lumber Association issued January 1943. The regulation applies regardless of the kind of mill or plant in which the lumber is produced, and regardless of whether the particular item is specifically priced in the price tables or not. Any person who makes a sale of this kind, for himself or others, is subject to this regulation.

SEC. 3. *Maximum f. o. b. mill prices.* The maximum prices for aromatic red cedar lumber, rough, f. o. b. mill, per one thousand feet[1] shall be as follows:

Thickness (inches)	Widths (inches)	Lengths (feet)	No. 1 common and better	
5/8	Standard	Standard	$54	
3/4	Standard	Standard	60	
1	Standard	Standard	67	$33.50
1¼	Standard	Standard	72	36.00
1½	Standard	Standard	72	36.00
2	Standard	Standard	77	38.50
Any	7, 8, 10, 11 or 12	5 feet and longer	100	

SEC. 4. *Additions.* (a) When ordered by the customer and furnished by the seller, the following indicated additions may be made to the maximum prices in the preceding section:

(1) Non-standard specifications:

4" and wider, 3' and longer	$3.00
5" and wider, 3' and longer	10.00

(2) Kiln drying to a moisture content not exceeding 10 percent at the time the lumber leaves kiln.

	Thickness (inches)					
	5/8	3/4	1	1¼	1½	2
Price	$8.00	$8.00	$10.00	$12.00	$12.00	$14.00

(3) Mill working:

	Less than 1"	1" and 1¼" thick	1½" and thicker
Resawing 1 line	$3.00		$2.50
Resawing 2 lines	5.50		4.50
Surfacing 1 or 2 sides	2.50		2.25
Surfacing 2 sides and resawing	5.00		4.25
Resawing and resurfacing 1 or 2 sides	5.50		4.75
Surfacing 3 or 4 sides, or 1 side and edge	4.00		3.50

(b) *Small quantities.* The following additions per thousand feet may be made when the purchaser (or purchasers in the case of a pool car) orders an item consisting of one species, thickness, and grade, in the following quantities:

Quantity ordered:	Addition per M'
3000 to 4000 feet	$1.00
2000 to 2999 feet	2.00
1000 to 1999 feet	2.50
999 or less feet	3.00

SEC. 5. *Delivered prices.* The general rule is that the maximum delivered price shall be a price not higher than the f. o. b. mill maximum price plus the actual transportation charges paid or incurred by the seller in making shipment directly from the mill to the point of delivery required by the purchaser. However, it is permissible to quote delivered prices based on the rail rate times an estimated weight of 3300 pounds per 1000 feet board measure, or equivalent in other measure.

SEC. 6. *Grades, services, or extras not listed.* (a) If a seller wishes to sell a grade or item which is not specifically priced in the price tables, he must apply to the Lumber Branch, Office of Price Administration, Washington, D. C., for a maximum price. He must provide the following information:

(1) The requested price;

(2) A complete description of the item to be priced;

(3) The price differential between it and the most comparable item in the price tables, in October 1941, from the seller's own records, or if that is impossible, from experience of the trade. If no established price differential which can be used for comparison existed, a detailed analysis of the calculation of the requested price should be furnished.

(b) As soon as the request has been filed, quotations and deliveries may be made at the requested price, but the final payment may not be made until the price has been approved. Action on the request may be by letter or telegram.

SEC. 7. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 8. *Petitions for adjustment or amendment*—(a) *Government contracts.* (1) The term "Government contract" is here used to include any contract with the United States or any of

*Copies may be obtained from the Office of Price Administration.

[1] "Feet" means board feet of lumber except that with reference to lumber in thicknesses of 5/8" and 3/4" "feet" means surface feet.

its agencies or with the government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the Defense of the United States". The term also includes any subcontract under this kind of contract.

(2) Any person who has entered into or proposes to enter into a "Government contract", who believes that the maximum prices established by this regulation impede or threaten to impede production of aromatic red cedar lumber essential to the war program, may file an application for adjustment in accordance with Procedural Regulation No. 6,[2] as amended, by the Office of Price Administration. As soon as the application is filed, contracts, deliveries, and payments may be made at the requested price, subject to refund if the requested price is disapproved or lowered. The seller must notify the buyer that the delivery is made subject to this refund.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[3] issued by the Office of Price Administration.

SEC. 9. *Prohibited practices.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars and cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to changes in credit practices and cash discounts and to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying agreements, trade understandings and the like.

SEC. 10. *Records.* All sellers and all buyers of aromatic red cedar for direct-mill shipment must retain a copy of the invoice covering each transaction or maintain records in other forms containing a complete description of the lumber, name and address of the other party to the transaction, date of sale, and the price paid, including any special addition for extra service, working, or specification. These records must be retained for two years, for inspection by the Office of Price Administration.

SEC. 11. *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided for by the Emergency Price Control Act of 1942, as amended.

Effective date. This regulation shall become effective August 24, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 18th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-13492; Filed, August 18, 1943; 11:58 a. m.]

[2] 7 F.R. 5087, 5664; 8 F.R. 6173, 6174.
[3] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[1] Amdt. 15 to Rev. Supp. 1]

PROCESSED FOODS

Section 1407.1102 (e) (4) is amended to read as follows:

(4) Stamps lettered R, S and T may be used from August 1 to September 20, 1943, inclusive.

This amendment shall become effective August 23, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 18th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-13493; Filed, August 18, 1943; 12:02 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[2] Amdt. 52]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 11.2 (c) (3) of Ration Order 13 is revoked and the present subparagraph (4) is redesignated (3).

This amendment shall become effective August 23, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 18th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-13494; Filed, August 18, 1943; 12:02 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 204—DANGER ZONE REGULATIONS

ANTI-AIRCRAFT FIRING AREA, GULFPORT, MISS.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), the following regulations are hereby prescribed to govern the use and navigation of waters of the Gulf of Mexico, south of Ship Island, comprising a surface and anti-aircraft firing area of the Armed Guard Training Station, Gulfport, Mississippi.

§ 204.91a-2 *Waters of Gulf of Mexico, south of Ship Island; Armed Guard Training Station, Gulfport, Miss.*—(a) *The danger zone.* The area extends from one mile east to two miles west of Ship Island, and from three miles south of Ship Island to two miles north of the Chandeleur Islands, and is bounded as follows:

West boundary—Longitude 89°00' W.
North boundary—Latitude 30°10' N.
East boundary—Longitude 88°50' W.
South boundary—Latitude 30°05' N.

(b) *The regulations.* (1) No vessel or other craft shall enter or remain within the area during its use for firing practice, except as provided in subparagraph (3) below. Firing will ordinarily take place between sun-up and sun-down daily.

(2) Prior to and during the conduct of each firing practice the firing vessel will fly a red flag at the foretruck.

(3) These regulations shall not deny access or egress from harbors contiguous to the danger zone or to Ship Island Pass by regular cargo-carrying vessels, nor shall they deny traverse of portions of the danger area by regular cargo-carrying vessels proceeding in established steamer lanes. In case of the presence of any such vessel in the danger area, the officer in charge of gunnery operations shall cause the cessation or postponement of fire until the vessel has cleared that part of the area within the range of the weapons being used. The vessel shall proceed on its normal course and not delay its progress.

(4) Advance notice shall be given of the date on which the first firing practice will begin. At intervals of not more than three months thereafter, notice will be sent out that firing practice is continuing. Such notices will appear in the local newspapers and in the "Notice to Mariners."

(5) These regulations will be enforced by the Commanding Officer, Armed Guard Training Station, Gulfport, Mississippi, and such agencies as he may designate.

(40 Stat. 892; 33 U.S.C. 3) [Regs. 7 August 1943 (CE 800.2121 (Mississippi Sound, Miss.)—SPEKH)]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-13453; Filed, August 18, 1943; 10:05 a. m.]

Chapter I—Coast Guard, Department of the Navy

PART 6—REGULATIONS FOR SECURITY OF PORTS AND THE CONTROL OF VESSELS IN THE NAVIGABLE WATERS OF THE UNITED STATES

MISCELLANEOUS AMENDMENTS

Pursuant to the authority contained in section 1, Title II of the Espionage Act

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 1840, 3949, 4892, 5318, 5341, 5757, 6138, 6964, 7589, 8069, 8705, 9203, 10035, 10093, 10728.

[2] 8 F.R. 1840, 2283, 2631, 2634, 2943, 3179, 3949, 4342, 4525, 4726, 4784, 4921, 5318, 5342, 5480, 5568, 5757, 5758, 5818, 5819, 5947, 6046, 6137, 6138, 6181, 6838, 6839, 7207, 7209, 7389, 7353, 7490, 7589, 8357, 8276, 8705, 9024, 9012, 9216, 9305, 9459, 10511, 10605.

approved June 15, 1917, 40 Stat. 220, as amended by the Act of November 15, 1941, 55 Stat. 763 (U. S. C. Title 50, Sec. 191, 191a), and by virtue of the Proclamation and Executive Order issued June 27, 1940 (5 F.R. 2419), and November 1, 1941 (6 F.R. 5581), respectively, the regulations relating to the control of vessels in the navigable waters of the United States, are hereby amended as follows:

SUBPART A

Amend § 6.3 to read as follows:

§ 6.3 *Authority of District Coast Guard Officer.* (a) At ports or places where no captains of the port have been designated or at ports or places where they have been designated and such officers are absent from duty for any cause, these rules and regulations may be enforced by any other officer designated by a District Coast Guard Officer.

(b) Wherever the term "District Coast Guard Officer" is used in the regulations contained in this part or in any license issued thereunder, it shall be deemed to include the Commanding Officer, Coast Guard Forces, Potomac River Naval Command.

* * * * *

SUBPART C

Amend § 6.3–72 (a) to read as follows:

§ 6.3–72 *Hempstead Harbor, Long Island Sound, New York*—(a) *The anchorage area.* Vessels may anchor in Hempstead Harbor to the west of a line bearing 316½° and extending from Matinicock Point to east end of Parsonage Point, a distance of 1,000 yards; to the south of a line bearing 59° ranging on a line from Sands Point Light to a point intersecting the eastern limits 1,000 yards from Matinicock Point, to the east of a line bearing 316° ranging from Hempstead Harbor breakwater light to Edgewater Point breakwater light.

* * * * *

Delete §§ 6.5–9 and 6.5–10 and substitute in lieu thereof the following:

§ 6.5–9 *Patuxent River, Maryland; prohibited area*—(a) *The area.* From a line extending from shore to shore approximately 1,000 yards west of Broome Island Light (longitude 76°34′) to a line extending from shore to shore approximately 400 yards east of Drum Point Lighthouse (longitude 76°25′).

(b) *The regulations.* No vessel or craft of any description whatsoever, commercial or pleasure, whether self-propelled or not, may enter or operate within the prohibited area described in this section excepting upon the prior permission of, and subject to the conditions prescribed by the Captain of the Port or his duly authorized representative.

§ 6.5–10 *U. S. Naval Air Station, Patuxent River, Maryland; restricted and prohibited areas*—(a) *The areas*—(1) *Machine gun range.* The waters on the western shore of Chesapeake Bay south of Cedar Point, Maryland, within an area bounded as follows: On the north, a line 107° (true), a distance 1.5 miles, from the Armament Test Hangar at U. S. Naval Air Station; on the east, a line 147° (true) from Drum Point Light; on the south, a line 057° (true), a distance 2 miles from Point No Point; and on the west, the shore line of Chesapeake Bay between Point No Point and the Armament Test Hangar.

(2) *Aerial gunnery range.* The waters of Chesapeake Bay south of a line between Cedar Point, Maryland, and the southern tip of Barren Island; west of a line between the southern tip of Barren Island and Shanks Island, Virginia; north of a line between Shanks Island and Smith Point Light, Virginia, and east of a line between Smith Point Light and Point Lookout and the shore line of Chesapeake Bay between Point Lookout and Cedar Point.

(3) *Seaplane landing area.* The waters of Chesapeake Bay within the area of the aerial gunnery range described in paragraph (2) of this section bounded as follows: A line bearing 090° (true) for a distance of 2 miles, from Cedar Point Lighthouse, thence 180° (true) for a distance of 3 miles, thence 270° (true) until the intersection with the shore line, thence northeasterly to the Cedar Point Lighthouse following the contour of the shore.

(b) *The regulations.* (1) No vessel or other craft shall enter or remain in the Machine Gun Range or Seaplane Landing Area at any time. No vessel or other craft shall enter or remain in the Aerial Gunnery Range during its use for firing practice except as provided in paragraph (b) (5).

(2) Advance notice shall be given of the date on which the first firing practice is conducted and such notice shall be published in the "Notice to Mariners". The range will be in use throughout the year and no further notice is contemplated that firing is continuing.

(3) Prior to the conduct of firing practice the area will be patrolled by Navy aircraft to insure that no watercraft are within the danger area, and any watercraft in the vicinity will be warned by means of signals that firing practice is to take place. The patrol aircraft will employ the method of warning known as "buzzing" which consists of low flight by the airplane and repeated opening and closing of the throttle.

(4) Any such watercraft shall, upon being so warned, immediately vacate the area designated and shall remain outside the area until the conclusion of firing practice.

(5) Through navigation of commercial craft proceeding on established steamer lanes will be permitted traverse of the Aerial Gunnery Range at all times. Such vessels shall proceed on their normal course and shall not delay their progress.

(6) These regulations shall be enforced by the Commandant Potomac River Naval Command, and such agencies as he may designate, and by the Captain of the Port.

* * * * *

Add the following sections to Subpart C:

§ 6.5–16 *The Potomac River and its tributaries, south of Great Falls, Virginia*—(a) *The restricted area.* (1) In the Potomac River 1,000 yards below the Pennsylvania Railroad Bridge, Washington, D. C., to 350 yards above Francis Scott Key Bridge, Washington, D. C.

(2) In the Potomac River between 1,000 yards below and above the Baltimore and Ohio Temporary Railroad Bridge, Alexandria, Virginia.

(3) In the Potomac River between 1,000 yards below and above the Potomac River Bridge at Morgantown, Maryland.

(4) In the Anacostia River from South Capital Street, Washington, D. C., to 1,000 yards above the Benning Bridge, Washington, D. C.

(b) *The regulations.* The following restrictions apply between the hours of sunset and sunrise, to the indicated classes of vessels entering the above restricted areas:

(1) Commercial vessels of regularly established lines, operating on regular schedules, and vessels with licensed pilots on board and on duty, may move through these restricted areas without stopping: *Provided,* That they are well lighted; blow one long blast of a whistle before entering such area; and keep a good lookout for the Coast Guard patrol boat on duty to the end that the approach of such boat will be readily discovered and any communication from it may be received. During a blackout such of these vessels as may be authorized by the blackout regulations to continue under way, may pass through the restricted areas: *Provided,* That they carry only running lights, sound the whistle as required above, and proceed through such areas slowly and with special caution.

(2) All other vessels, except vessels of the Army and Navy, shall stay outside of the restricted areas until authorized to enter by the commanding officer of the Coast Guard patrol boat guarding the area, and will indicate their presence and their desire to pass through the area to such Coast Guard patrol boat on duty, by flashing a light into the restricted area or by blowing a long blast of the whistle, or, if possible, both: *Provided,* That during a blackout they shall not pass through the restricted area.

(3) These regulations in no manner limit or otherwise affect existing rules or regulations governing the movement of vessels in other restricted areas in the waters of the Potomac River and its tributaries, or during a blackout.

* * * * *

Amend Subpart C by substituting § 6.5–33 in lieu of § 6.6–1.

Add the following sections to Subpart C:

§ 6.5–35 *Albemarle Sound, near Edenton, N. C.: restricted seaplane operating area*—(a) *The area.* The restricted area comprises a portion of Albemarle Sound between the bridge of the Norfolk Southern Railroad on its line from Mackeys to Edenton, North Carolina, and the State Highway bridge on North Carolina Route 32, and includes the waters within three sections, described as follows:

Section 1. An area 1,000 feet wide, bounded by lines 500 feet on each side of the line connecting the centers of the drawspans of the two bridges.

Section 2. The area between the north shore line and the north shore line of Section 1.

Section 3. The area between the south line of Section 1 and a line 5,000 feet north of the south shore line.

(b) *The regulations.* (1) Sailing vessels or any water craft propelled by mechanical power may enter Section 1 for through passage without restrictions except when the signals enumerated in paragraph (3) below are given.

(2) Sailing vessels or any water craft propelled by mechanical power will keep clear of sections 2 and 3 at all times after notices have been given as provided in paragraph (4) below.

(3) Whenever scheduled operations at the seaplane base make it necessary to restrict the passage of vessels through Section 1, the Commanding Officer shall notify the bridge tenders at both bridges to give vessels approaching the section from either direction the required signal indicating that the draw cannot be opened: *Provided,* That vessels seeking through transit shall not be delayed more than one hour.

(4) One week in advance of the date when the area is to be used as a seaplane operating base, the Commanding Officer will warn the public of such contemplated use through the public press and the United States Coast Guard.

(5) These regulations will be enforced by the Captain of the Port and by the Commanding Officer of the Marine Corps Air Station near Edenton, North Carolina, or such responsible agents as he may designate.

§ 6.6–24 *Waters of the Atlantic Ocean: U. S. Naval Air Station, Jacksonville, Florida: Aerial Bombing and Gunnery Range, at the mouth of Nassau Sound, Florida*—(a) *The danger zone.* An area at the mouth of Nassau Sound, Florida, and 7.0 nautical miles north of the entrance to St. Johns River, Florida, bounded by a circle having a radius of one nautical mile from the center, the center being located at north latitude 30°30′ and west longitude 81°25′45″ on an unnamed island in the mouth of Nassau Sound. The military operations which will be carried on in the area consist of firing at a target from weapons mounted in airplanes flying at varying altitudes, and the dropping of practice aerial bombs from airplanes on points within the area. The target cluster will be located on the unnamed island at the center of the danger area, and there will be no additional marking of the area.

(b) *The regulations.* (1) The danger area is open to navigation except when bombing or gunnery practice is being conducted, when no vessel or other craft shall enter or remain within the area except as provided in paragraph (b) (4).

(2) Bombing and gunnery practice will take place in the area at frequent and irregular intervals throughout the year, regardless of season, and advance notice will be given of the date on which the first practice shall begin. At intervals of not more than three months thereafter, notice will be given that practice is continuing. Such notices will appear in the local newspapers and in "Notice to Mariners."

(3) Prior to the conduct of each practice, the area will be patrolled by Naval aircraft which will warn vessels to leave the area by "zooming" a safe distance to the side. Upon receiving this signal, any watercraft within the danger zone shall leave it immediately and no craft shall enter the area until practice has ceased.

(4) These regulations shall not deny access to or egress from harbors contiguous to the danger area by regular cargo-carrying vessels, nor shall they deny traverse of portions of the danger area by regular cargo-carrying vessels proceeding in established steamer lanes. In case of the presence of any such vessel in the danger area, the officer in charge of gunnery and bombing practice shall cause the cessation or postponement of such operations until the vessel has cleared the area. The vessel shall proceed on its normal course and shall not delay its progress.

(5) These regulations will be enforced by the Captain of the Port and by the Commandant, United States Naval Air Station, Jacksonville, Florida, and such agencies as he may designate.

§ 6.7–18 *Waters of Lake Woodruff, Florida: U. S. Naval Air Station, Jacksonville, Florida; aerial practice bombing area*—(a) *The danger zone.* The danger zone is located in the center of Lake Woodruff, Florida, 4.5 miles southwest of DeLeon Springs, in a circle having a diameter of one mile, with its center at north latitude 29°05′45″ and west longitude 81°25′00″. The military operations to be carried on in the area will consist of the dropping of practice aerial bombs on a low-level bombing target located at the center of the area.

(b) *The regulations.* (1) No vessel or other craft shall enter or remain within the area designated during its use for target practice.

(2) Bombing practice will be conducted within the area during all daylight hours every day until further notice, and may be conducted any night from sunset until four hours after sunset.

(3) Prior to the commencement of daylight operations, the danger area will be patrolled by Naval aircraft which will warn navigation to leave it by "zooming" a safe distance to the side. Conspicuous warning signals will also be placed at all outside entrances to Lake Woodruff. Upon receiving these signals any watercraft within the danger zone shall immediately leave it, and no craft shall enter the area until practice has ceased. Bombing practice will not be commenced until all craft have left the area.

(4) During night operations the same precautions will be taken for the safety of surface craft as in daytime operations, with the addition of Very's pistol signals to insure positive control. A red Very's pistol signal will indicate cease bombing and a green Very's pistol signal will indicate area is clear for bombing.

(5) These regulations shall be enforced by the Captain of the Port and by the Chief of Naval Air Operational Training Command, United States Naval Air Station, Jacksonville, Florida, and such agencies as he may designate.

* * * * *

Add the following subparagraph to § 6.8–25 (a):

(3) That portion of Lake Borgne inclosed by an arc described with Shell Beach, Louisiana (latitude and longitude as above), as a center and radius of 23,000 yards between a line bearing 350° true and a line bearing 23° true.

* * * * *

Add the following section to Subpart C:

§ 6.8–38 *Waters of Laguna Madre and Corpus Christi Bay, Texas; Gunnery and Bombing Range, Naval Air Training Center, Corpus Christi, Texas*—(a) *The danger zone.* (1) The gunnery and bombing range hereinafter referred to in toto as the "Restricted Area" includes all of the waters of the portion of Laguna Madre, Texas, lying north of latitude 27°20′ north and a connecting portion of the south side of Corpus Christi Bay. The restricted area is bounded as follows: (See U. S. C. & G. S. Chart No. 1286.) All azimuths are referred to true north.

(2) Beginning at a point on the south shore of Corpus Christi Bay, at the "North Gate" of the Naval Air Station, in approximate latitude 27°42′20″ north, longitude 97°17′15″ west, thence 19°19′, 4,000 yards to a beacon in Corpus Christi Bay in latitude 27°44′12″ north, longitude 97°16′31″ west; thence 111°22′, 11,286 yards to a beacon located on the west shore of Mustang Island in latitude 27°42′10″ north, longitude 97°10′40″ west; thence generally southerly along the westerly shore line of Mustang Island and Padre Island to latitude 27°20′ north; thence west to a point on the west shore of Laguna Madre in latitude 27°20′ north; thence generally northerly along the west shore line to Laguna Madre to Flower Bluff Point; thence westerly along the south shore of Corpus Christi Bay to the point of origin.

(b) *The regulations.* (1) On days and nights when firing is scheduled, the following signals will be displayed; during daylight hours large red flags will be displayed from elevated positions in a prominent location in the immediate vicinity of each firing point from which firing is to be conducted; when night firing is scheduled, red lights will be displayed in lieu of the flags. Advance notice of any night firing will also be published in the Corpus Christi newspaper at least three days prior to the commencement of night firing in the area.

(2) No person, vessel, or craft of any type shall enter or remain in the restricted area at any time, day or night except as provided in subparagraphs (b) (3), (4), (5), (6), and (7) below.

(3) Clearance for watercraft operating in the restricted area on set schedules and on prescribed routes may be granted upon written application to the Commandant, Naval Air Training Center, Corpus Christi, Texas.

(4) Changes in schedules and routes may be made upon written application to the Commandant.

(5) Off schedule operation of craft or operation over unprescribed routes may, in cases of necessity, be authorized upon special application in each case. These applications shall also be in writing to the Commandant except as noted below.

(6) Commercial fishermen and personnel of oil companies holding leases within the restricted area will not be required to operate on set schedules or over prescribed routes but, in order to enter the restricted area either day or night, they must have proper identification and have the approval of the Commandant, Naval Air Training Center, Corpus Christi, Texas.

(7) Every practicable effort will be made by Naval activities, aerial, ground or water, which are operating in the area to remain clear of any navigation authorized by these regulations, but all navigation of private craft shall be conducted at the operator's or owner's risk. Further, it shall be the responsibility of the operators of any craft permitted to enter the area, to remain clear of the bombing targets, the machine gun, and rifle ranges when such areas are in use.

(8) These regulations will be enforced by the Captain of the Port and by the Commandant, Naval Air Training Center, Corpus Christi, Texas, through the use of such equipment and personnel as may be properly designated by him for the purpose.

* * * * *

Amend § 6.3–20, paragraph (d) to read as follows:

(d) *Explosive anchorage.* The portion of Anchorage 20–A and 20–B located eastward of a line bearing 204.5° true from the east end of the east landing pier on Bedloe's Island through Bayonne Terminal Lighted Buoy "1", Robbins Reef Lighted Gong Buoy "27", and Coast Guard Depot North Dock Light; and south of a line bearing 130° T ranging from the tank on the Central Railroad Pier, Jersey City, New Jersey, to the northwest corner of Pier 39, Red Hook, Brooklyn, New York, is designated as an explosive anchorage. The Captain of the Port may authorize the use of this explosive anchorage by vessels loading or discharging explosives and when laden with explosives when he finds that the interests of commerce and national war effort will be promoted thereby and that the interest of safety will not be prejudiced thereby. No vessel shall occupy this anchorage without a permit from the Captain of the Port.

(1) No vessel shall anchor between Ellis Island and the piers of the Central Railroad of New Jersey, or in the dredged channel approaches to this space, or the piers and wharves of the railroad, or in the dredged channel approaches to the National Docks at Black Tom Island, to Bedloe's Island, to the Greenville, Claremont and Bayonne Terminals, or in the New Jersey Pierhead Channel, or near the entrances to said channels so as to obstruct the approaches or interfere in any way with the free navigation of the same. The portion of Anchorage No. 20–A, north of National Docks at Black Tom Island, and the portion of Anchorage No. 20–B which are east of a line ranging 204.5° true and tangent to the east end of the east landing pier of Bedloe's Island through Bayonne Terminal Lighted Buoy "1", Robbins Reef Lighted Gong Buoy "27" and Coast Guard Depot North Dock Light, are set aside as temporary anchorages for vessels arriving in and leaving port. No vessel shall occupy these anchorages for a longer period than 72 hours unless a permit is obtained from the Captain of the Port for that purpose.

Amend § 6.3–20, paragraph (g) to read as follows:

(g) *Anchorage No. 21–B.* That portion of Anchorage No. 21 south of Anchorage No. 21–A as described above and west and south of Anchorage No. 21–C described below. This anchorage shall be used by steamers: those deep-laden to use the western side and southern end of the anchorage ground, and light-draft to use the eastern side, excluding the fairway described below. All that portion of Anchorage 21–B, as described herein, south of the Long Island Railroad carfloat channel is designated as an explosive anchorage. The Captain of the Port may authorize the use of this explosive anchorage by vessels loading or discharging explosives and when laden with explosives when he finds that the interests of commerce and national war effort will be promoted thereby and that the interest of safety will not be prejudiced thereby. No vessel shall occupy this anchorage without a permit from the Captain of the Port.

* * * * *

Add the following section to Subpart C:

§ 6.7–5 *Restricted and Danger Zones in vicinity of Fort Pierce, Florida*—(a) *The areas*—(1) *Zone 1.* Beginning at a point in latitude 27°37'04", longitude 80°19'45"; thence southerly to latitude 27°26'30", longitude 80°16'42"; thence westerly to latitude 27°28'16", longitude 80°18'00"; thence northerly to latitude 27°36'18", longitude 80°21'15"; thence easterly to point of beginning.

(2) *Zone 2.* Beginning at a point in latitude 27°33'36". longitude 80°11'24"; thence southerly to latitude 27°32'36", longitude 80°10'56"; thence westerly to latitude 27°30'45". longitude 80°16'00"; thence northerly to latitude 27°31'48". longitude 80°16'23"; thence easterly to point of beginning.

(3) (All latitudes north and longitudes west.)

(b) *The regulations.* (1) The above described areas are reserved for military training purposes and are hereby closed to all civilians and to all private vessels, unless prior permission in writing has been received from the Captain of the Port of Fort Pierce, Florida, or other competent military authority.

* * * * *

Amend § 6.9–55 (b) (1) by adding the following sub-division:

(vi) *Chillicothe, Illinois.* The restricted area extends from bank to bank, 1,000 feet above and below the Atchison, Topeka & Santa Fe Railroad Bridge, Mile 182, Illinois River.

* * * * *

Amend § 6.9–55 (b) (3) by deleting subdivision (xiii) thereof and by substituting a new sub-division (xiii) as follows:

(xiii) *Dashields Dam.* The restricted area includes all waters from the sailing line to the right bank from Dashields Lock and Dam, mile 13.3 to Ambridge Aliquippa Bridge, mile 16.8.

* * * * *

Amend § 6.9–55 (b) (4) by deleting subdivision (vii) and by amending subdivision (vi) to read as follows:

(vi) *Keokuk, Iowa.* The restricted area includes all waters of the Mississippi River from mile 361.3 to mile 365.1 from bank to bank.

Amend § 6.9–55 (b) (4) by deleting the existing subdivisions (xix) and (xx) and by adding the following subdivisions:

(xix) *Inver Grove, Minnesota.* The restricted area extends from bank to bank, 1,000 feet above and below the Chicago, Rock Island, Illinois & Pacific Railway and Highway Bridge, mile 830.3, Upper Mississippi River.

(xx) *Hastings, Minnesota.* The restricted area extends from bank to bank, 1,000 feet above and below the Chicago, Milwaukee, St. Paul & Pacific Railroad Bridge, mile 813.7, Upper Mississippi River.

(xxi) *La Crosse, Wisconsin.* The restricted area extends from bank to bank, in both East and West Channel, 1,000 feet above and below the Chicago, Milwaukee, St. Paul & Pacific Railway Bridge, mile 699.8, Upper Mississippi River.

(xxii) *Sabula, Iowa.* The restricted area extends from bank to bank, 1,000 feet above and below the Chicago, Milwaukee, St. Paul and Pacific Railroad Bridge, mile 535, Upper Mississippi River.

(xxiii) *Clinton, Iowa.* The restricted area extends from bank to bank, 1,000 feet above and below the Chicago & Northwestern Railroad Bridge, mile 518, Upper Mississippi River.

(xxiv) *Burlington, Iowa.* The restricted area includes all waters of the Mississippi River from mile 402.9 to mile 404.4 from bank to bank.

* * * * *

Amend § 6.9–55 (b) (5) (i) and (b) (5) (vi) to read as follows:

(i) *Omaha, Nebraska.* The restricted area extends from bank to bank 1,000 feet above and below the Union Pacific Railroad Bridge, mile 631.4, Missouri River.

(vi) *Blair, Nebraska.* The restricted area extends, bank to bank, from mile 670.3 to 1,000 feet above the Chicago & Northwestern Railroad Bridge; mile 670.5, Missouri River.

Amend § 6.9–55 (b) (5) by adding the following sub-divisions:

(vii) *Rulo, Nebraska.* The restricted area extends from bank to bank, 1,000 feet above and below the Chicago, Burlington & Quincy Railroad Bridge, mile 514.4 Missouri River.

(viii) *Sibley, Missouri.* The restricted area extends from bank to bank, 1,000 feet above and below the Atchison, Topeka, & Santa Fe Railway Bridge, mile 340, Missouri River.

(ix) *West Alton, Missouri.* The restricted area extends from bank to bank, 1,000 feet above and below the Chicago,

Burlington & Quincy Railroad Bridge, mile 8.2, Missouri River.

* * * * *

Amend § 6.9–55 (b) (6) by adding the following sub-division:

(ii) *West Nashville, Tennessee.* The restricted area includes all waters from bank to bank of the Cumberland River, from mile 182.5 upstream to mile 185.3.

* * * * *

Amend § 6.9–55 (b) (7) (ii) to read as follows:

(ii) *Decatur, Alabama.* The restricted area extends from bank to bank, 1,000 feet above and below the Southern Railway Bridge at mile 304.4, Tennessee River.

Amend § 6.9–55 (b) (7) by adding the following subdivision:

(iii) *Fort Loudoun Dam.* The restricted area extends from bank to bank 1,400 feet below and 1,000 feet above the Fort Loudon Dam, mile 602.3 Tennessee River.

Amend § 6.9–55 (b) by adding the following sub-divisions:

(9) *French Broad River*—(i) *Douglas Dam.* The restricted area extends bank to bank, French Broad River, 250 feet below and 650 feet above the Douglas Dam.

(10) *Hiwassee River*—(i) *Apalachia Dam.* The restricted area extends bank to bank, Hiwassee River, 1,000 feet above and 1,000 feet below the Apalachia Dam.

* * * * *

Add the following sub-paragraph to § 6.9–56 (b):

(3) No vessel of 100 gross tons or over shall pass or attempt to pass another vessel or vessels moving in the same or opposite direction at any place in the channels connecting Lake Huron and Lake Erie in such a position that more than two (2) vessels will be abreast when passing: *Provided,* That, in that portion of the St. Clair River between Lake Huron Cut Lighted Buoy 2 and Port Huron Traffic Lighted Buoy and in the South Channel. St. Clair Flats between Harsen's Island Range Front Light 17 and St. Clair Flats Range Front Light 1, no such vessel shall pass or attempt to pass another vessel moving in the same direction.

* * * * *

Add the following section to Subpart C:

§ 6.13–15 *Emergency explosives anchorage: Columbia River, Vancouver, Oregon*—(a) *The area.* The following area is established as an emergency anchorage for explosive-laden vessels; Beginning at a point designated as Willimette River Light (latitude 45°39'15", longitude 122°45'41"); thence bearing 60° (true) to the Washington shore of the Columbia River; thence in a southeasterly direction bearing 150° (true) a distance of 1,500 feet; thence in a southwesterly direction bearing 240° (true) and parallel to the 60° (true) course above described to the Oregon shore of the Columbia River; thence in a northerly direction to the point of beginning.

NOTE: This area does not constitute a new explosive anchorage for loading explosives, but is intended solely for use in the event of imminent air raid, fire, or other catastrophe wherein those vessels which may be explosive-laden could proceed to a safe anchorage.

* * * * *

JAMES FORRESTAL,
Acting Secretary of the Navy.

Approved: August 16, 1943.

FRANKLIN D ROOSEVELT,
The White House.

[F. R. Doc. 43–13449; Filed, August 18, 1943; 10:05 a. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R.S. 4405, 4417a, 4481, 4482, 4488, 4491, as amended (46 U.S.C. 375, 391a, 474, 475, 481, 489), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following miscellaneous items of equipment for the better security of life at sea are approved:

LIFEBOAT

26' x 9' x 3'8", oar-propelled metallic lifeboat (513 Cu. Ft.) (Dwg. No. 1459–D, dated 22 June, 1943), manufactured by the Welin Davit & Boat Corporation, Perth Amboy, N. J.

DAVIT

Welin boom-type sheath screw davit, Type "A" (General Arrangement Dwg. No. 1630, dated 28 May, 1941, Rev. 11 September, 1941) (For a maximum working load of 4250 pounds per arm), manufactured by Welin Davit and Boat Corporation, Perth Amboy, N. J.

LIFE PRESERVER

Model No. 100 adult kapok life preserver (Navy Standard Type with body strap) (Navy Department Bureau of Ships Dwgs. No. 83927, Alt. "H", No. 83928, Alt. "G", and Bureau of Ships Ad Interim Specifications 23P12 (INT), dated 1 December, 1942), approval No. B–191, manufactured by Chesapeake Appliance Corporation, Baltimore, Md.

L. T. CHALKER,
Acting Commandant.

AUGUST 17, 1943.

[F. R. Doc. 43–13450; Filed, August 18, 1943; 10:05 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Service Order 142, Amdt. 1]

PART 95—CAR SERVICE

SAND AND GRAVEL SHIPMENTS BETWEEN JURY AND DAINGERFIELD, TEXAS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 17th day of August, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 142 (8 F.R. 10910) of August 3, 1943, and it appearing that shipments of sand and gravel in carloads originating at Jury, Texas (billing point Texarkana, Texas), and destined to Daingerfield, Texas, for use by the Austin Bridge Company over intrastate and interstate routes are being weighed on railroad track scales, thus impeding the use, control, supply, movement, and distribution of cars; in the opinion of the Commission an emergency exists requiring immediate action to avoid a shortage of equipment and congestion of traffic;

It is ordered, That Service Order No. 142 (8 F.R. 10910) of August 3, 1943, be, and it is hereby, amended by adding the following paragraph (c) to § 95.24:

(c) *Application.* The provisions of this order shall apply to intrastate commerce as well as to interstate commerce carried by every common carrier by railroad subject to the Interstate Commerce Act. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

It is further ordered, That this order shall become effective at 12:01 a. m., August 18, 1943, and that a copy of this order and direction shall be served upon the Texas Railroad Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43–13469; Filed, August 18, 1943; 11:02 a. m.]

[Service Order 145, Amdt. 1]

PART 95—CAR SERVICE

ICING RESTRICTIONS ON WESTERN POTATOES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of August, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 145 (8 F.R. 11089–90) of August 7, 1943, and it appearing that an acute shortage of ice is affecting both the intrastate and interstate movement of perishables in refrigerator cars originating in certain western states; in the opinion of the Commission an emergency exists requiring immediate action:

It is ordered, That Service Order No. 145 (8 F.R. 11089–90) of August 7, 1943, be, and it is hereby, amended by adding the following subdivision (i) to paragraph (a) (2) of § 95.316, Western Potatoes:

(i) After any initial icing performed by the Union Pacific Railroad Company, this carrier shall not allow or permit any reicing at any point or points on its railroad.

And, by adding the following subdivisions (i), (ii), and (iii) to paragraph (b) of § 95.316:

(i) A refrigerator car or cars loaded with potatoes originating at any point or points in the State of Nebraska on the Union Pacific Railroad Company shall not be initially iced until after the car or cars are loaded and tendered to that carrier for transportation and shall only then be initially iced, as provided for in paragraph (b) of this section, at either Council Bluffs, Iowa, or Kansas City, Kansas.

(ii) A refrigerator car or cars loaded with potatoes originating at any point or points in the State of Colorado shall only be initially iced, as provided for in paragraph (b) of this section, at either Denver, Colorado, or North Platte, Nebraska.

(iii) After any initial icing performed by the Union Pacific Railroad Company, this carrier shall not allow or permit any reicing at any point or points on its railroad.

It is further ordered, That this order shall become effective immediately; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 43-13465; Filed, August 18, 1943; 11:02 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Dockets Nos. A-498, A-780, A-1362, A-1450, A-1578]

DISTRICT BOARD 10 AND CERTAIN CODE MEMBERS IN DISTRICT 10

ORDER DISMISSING PROCEEDINGS

In the matter of the petitions of District Board 10 and certain code members in District No. 10 for the establishment or revision of the price classifications and minimum prices of certain mines in District No. 10.

These proceedings were instituted upon petitions filed with the Bituminous Coal Division by District Board 10 and the following code members in District No. 10 pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, for establishment or revision of the price classifications and effective minimum prices of certain mines in District No. 10:

District Board 10	A-1450
District Board 10	A-1578
Plumlee Coals	A-498
Delta Coal Mining Co., et al.	A-780
Delta Coal Mining Co	A-1362

Orders granting temporary relief were issued in Dockets Nos. A-498, A-1450 and A-1578 (6 F.R. 759, 7 F.R. 5573, 6620). No such orders were issued in the remainder of the above-designated dockets. Pursuant to appropriate orders, and after due notice to interested persons, hearings were held in each of the above-designated dockets before duly designated Examiners of the Division. The submission of a report of the Examiner was waived in Docket Nos. A-498, A-1450 and A-1578, but not in Docket Nos. A-780 and A-1362. In Docket No. A-780, the Report of the Examiner was issued on September 28, 1942. No report was filed in Docket No. A-1362.[1]

The Bituminous Coal Act of 1937, as amended by Act of Congress, approved May 21, 1943 expires on August 24, 1943 at 12:01 a. m. The schedules of effective minimum prices established by the Division and the price exceptions and instructions therein contained, will cease to operative as of the date and time aforesaid. In view thereof, it is deemed appropriate to terminate the temporary relief heretofore granted in Dockets Nos. A-498, A-1450 and A-1578 and to dismiss the proceedings in all of the above designated dockets.

It is, therefore, ordered, That effective August 24, 1943 at 12:01 a. m. the temporary relief heretofore granted in Dockets Nos. A-498, A-1450 and A-1578, is hereby terminated;

It is further ordered, That effective as of date and time aforesaid, the proceedings in Docket Nos. A-498, A-780, A-1362, A-1450, and A-1578, is hereby dismissed.

Dated: August 17, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-13457; Filed, August 18, 1943; 10:53 a. m.]

[1] In view of the expiration of the Act, the lack of time within which to prepare and file an Examiner's Report, to afford interested parties an opportunity to file exceptions thereto, and to issue an order of the Director adopting or modifying such report or otherwise disposing of the proceedings, as required by the Rules of Practice and Procedure before the Division, the preparation and filing of an Examiner's Report in Docket No. A-1362 are hereby dispensed with.

[Dockets Nos. A-1, A-78, A-388, A-725, A-941, A-1744]

CERTAIN CODE MEMBERS IN DISTRICT 11

ORDER DISMISSING PROCEEDINGS

In the matter of the petitions of certain code members in District No. 11 for the establishment or revision of the price classifications and minimum prices of certain mines in District No. 11.

These proceedings were instituted upon petitions filed with the Bituminous Coal Division by District Board No. 11, except docket No. A-78, which was filed by the Tecumseh Coal Corp., pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, for establishment or revision of the price classifications and effective minimum prices of certain mines in District No. 11.

Orders granting temporary relief were issued in Docket Nos. A-1, A-78, A-388, A-795, and A-941, (5 F.R. 4053, 4248, 4273, 4348, 4648, 4780, 4826, 4869, 5135, 5177, 5178, 6 F.R. 1103, 2487, 7 F.R. 9083). No temporary relief was granted in Docket No. A-1744. Pursuant to appropriate orders, and after due notice to interested persons, hearings were held in each of the above-designated dockets before duly designated Examiners of the Division. The preparation and filing of Reports of the Examiners were not waived in any of the above-designated dockets. In Docket Nos. A-725 and A-941, Reports of the Examiners were issued and orders of the Director were entered adopting and approving such reports as modified. In Docket No. A-725, a motion was made by District Board 11 for reconsideration and rehearing on June 29, 1942, which has not yet been disposed of. In Docket No. A-941, pursuant to order, dated November 18, 1942, a further hearing was held, for which no Report of the Examiner has as yet been filed. Nor have Examiners' Reports been filed in Docket Nos. A-1, A-388, and A-1744.[1]

The Bituminous Coal Act of 1937 as amended by Act of Congress, approved May 21, 1943 expires on August 24, 1943 at 12:01 a. m. The schedules of effective minimum prices established by the Division and the price exceptions and instructions therein contained will cease to be operative as of the date and time aforesaid. In view thereof, it is deemed appropriate to terminate the temporary relief heretofore granted in Docket Nos. A-1, A-78, A-388, A-725, and A-941 and to dismiss the proceedings pending in all of the above-designated dockets.

It is, therefore, ordered, That effective August 24, 1943, at 12:01 a. m., the temporary relief heretofore granted in Docket Nos. A-1, A-78, A-388, A-725, and A-941 is hereby terminated;

It is further ordered, That, effective as of the date and time aforesaid, the proceedings in Docket Nos. A-1, A-78, A-388, A-725, A-941 and A-1744 are hereby dismissed.

Dated: August 17, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-13458; Filed, August 18, 1943; 10:53 a. m.]

[1] In view of the expiration of the Act, the lack of time within which to prepare and file Examiners' Reports, to afford interested parties an opportunity to file exceptions thereto, and to issue an order of the Director adopting or modifying such reports or otherwise disposing of the proceedings, as required by the Rules of Practice and Procedure before the Division, the preparation and filing of Examiners' Reports in the above-designated dockets are hereby dispensed with.

[Dockets Nos. A-367, A-488, A-520, A-1508, A-1836, Part II]

DISTRICT BOARD 4 AND CERTAIN CODE MEMBERS IN DISTRICT 4

ORDER DISMISSING PROCEEDINGS

In the matter of the petitions of certain code members in District No. 4 and District Board No. 4 for the establishment or revision of price classifications and minimum prices of certain mines in District No. 4.

The following proceedings were instituted upon petitions filed with the Bituminous Coal Division by the following code members in District No. 4 and by District Board 4, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, for the establishment or revision of price classifications and effective minimum prices of certain mines in District No. 4:

Wheeling Township Coal Mining Company—Docket No. A-367.
Industrial Coal and Iron Company et al.—Docket No. A-488.
Wheeling Township Coal Mining Company—Docket No. A-520.[1]
District Board No. 4—Docket No. A-1503.
District Board No. 4—Docket No. A-1836—Part II.

Orders granting temporary relief were issued in Dockets Nos. A-367, A-520 and A-1508 (5 F.R. 5067, 6 F.R. 636, 8 F.R. 378), but not in Docket Nos. A-1836—Part II and 488.

Pursuant to appropriate orders, and after due notice to interested persons hearings were held in each of the above-designated dockets before duly designated Examiners of the Division. In Dockets Nos. A-367, A-488 and A-520, a Report of the Examiner was issued on August 6, 1941. The submission of a Report of the Examiner was waived in Docket No. A-1836—Part II, but not in Docket No. A-1508, in which no report has as yet been filed.[2]

The Bituminous Coal Act of 1937, as amended by Act of Congress, approved May 21, 1943, expires on August 24, 1943 at 12:01 a. m. The schedules of effective minimum prices established by the Division, and the price exceptions and instructions therein contained, will cease to be operative, as of the date and time aforesaid. In view thereof, it is deemed appropriate to terminate the temporary relief heretofore granted in the respective dockets referred to above and to dismiss the proceedings in all of the above-designated dockets.

It is, therefore, ordered, That, effective August 24, 1943 at 12:01 a. m. the temporary relief heretofore granted in Dockets Nos. A-367, A-520 and A-1508 is hereby terminated;

It is further ordered, That, effective as of date and time aforesaid, the proceedings in Dockets Nos. A-367, A-488, A-520, A-1508 and A-1836—Part II, are hereby dismissed.

Dated: August 17, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13462; Filed, August 18, 1943; 10:53 a. m.]

[1] Dockets Nos. A-367, A-488 and A-520 were consolidated by order, dated January 25, 1941 (6 F.R. 635).

[2] In view of the expiration of the Act, the lack of time within which to prepare and file an Examiner's Report, to afford interested persons an opportunity to file exceptions thereto, and to issue an order adopting or modifying such report, or otherwise disposing of the proceedings herein, as required by the Rules of Practice and Procedure before the Division, the Report of the Examiner in Docket No. A-1508 is hereby dispensed with.

[Docket No. B-105]

GERARD AND RUMPLE

MEMORANDUM OPINION AND ORDER OF THE DIRECTOR

In the matter of Frank Gerard and Heston Rumple, individually and as copartners doing business under the name and style of Gerard and Rumple.

This proceeding was instituted upon a complaint duly filed on February 2, 1942, by Bituminous Coal Producers Board for District No. 11 with the Bituminous Coal Division, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging that Frank Gerard and Heston Rumple, individually and as copartners, doing business under the name and style of Gerard and Rumple, code members, operating the Gerard Mine, Mine Index No. 904, in District 11, wilfully violated the provisions of the Act and the Code, and praying appropriate relief.

On March 16, 1942, after an order extended the time for filing, code member Frank Gerard filed an answer. Code member Heston Rumple filed a separate informal answer on March 14, 1942.

Pursuant to appropriate orders, and after due notice to interested persons, a hearing in this matter was held on April 20, 1942, before Joseph D. Dermody, a duly designated Examiner of the Division, at a hearing room at Terre Haute, Indiana. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Appearances were entered by District Board 11 and by code member Frank Gerard. Because the other partner, Heston Rumple did not appear, the presiding Examiner, in his discretion, continued the hearing. When the hearing was resumed, Examiner Dermody was unavailable and by appropriate order of the Director, Charles S. Mitchell, a duly designated Examiner of the Division, was substituted to preside at the hearing. After due notice to interested persons, the hearing resumed before Examiner Mitchell at a hearing room in Terre Haute, Indiana, July 29, 1942. District Board 11 and code member Gerard again appeared. No subpoena was served on code member Rumple, due to inability to determine his whereabouts. He was not present at the hearing. The hearing was again continued but on March 23, 1943, by order of the Director, the hearing was closed and the Examiner was directed to submit a report. No report has as yet been submitted.

In view of the fact that the Bituminous Coal Act of 1937, as amended, will expire on August 23, 1943 (except as provided in section 19 thereof), it seems appropriate to dismiss the proceeding.

It is therefore ordered, That the proceeding herein be dismissed.

Dated: August 17, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13463; Filed, August 18, 1943; 10:53 a. m.]

[Docket C-6]

EMERALD COAL AND COKE COMPANY

REPORT OF THE EXAMINER

In the matter of the application of Emerald Coal and Coke Company for approval of a contract for the sale of coal, pursuant to Rule 5 of section VI of the Marketing Rules and Regulations.

This proceeding was instituted upon an application duly filed with the Bituminous Coal Division on February 20, 1942, by the Emerald Coal and Coke Company (Emerald), a code member producer owning and operating the Emerald Mine, Mine Index No. 60, located in District No. 2, Greene County, Pennsylvania, seeking approval, pursuant to the provisions of Rule 5 of section VI of the Marketing Rules and Regulations of a contract between Applicant and Pittsburgh Coke & Iron Company, dated January 10, 1942, by the terms of which Applicant undertakes to furnish that company with at least eighty per cent (80%) of its high volatile coal requirements at its byproduct coke plant on Neville Island, Alleghany County, Pennsylvania, as now constructed for a period of approximately twenty (20) years.

Petitions of intervention were filed by District Boards 1, 2, 3 and 6; Ontario Gas Coal Company, a code member in District No. 2; Lowber Gas Coal Company, a code member in District No. 2 and an Emerald stockholder; Julian Kennedy, Jr., Joseph W. Kennedy, Louise Kennedy, Katherine W. Kennedy, O'Donnell Iselin and Columbus O'Donnell Iselin II, Trustees under Deed of Trust, dated April 26, 1932 given by Columbus O'Donnell Iselin, Louise M. Iselin, and Ernest Iselin, Jr., Executors of the Estate of Adrian Iselin, deceased, Columbus O'Donnell Iselin, O'Donnell Iselin and Ernest Iselin, Liquidating Partner of A. Iselin and Company, and the Adlin Corporation, all stockholders in Emerald; and by the Bituminous Coal Consumers' Counsel.

Pursuant to appropriate orders, and after due notice to interested parties, a hearing in this matter was held before the undersigned, Charles O. Fowler, a duly designated Trial Examiner of the Division, on January 12-15, 18-23, 25-27, 1943, at a hearing room thereof in Washington, D. C. All interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. All interveners including the Consumers' Counsel, appeared in opposition to the application, with the exception of District Board No. 2, and District Boards Nos. 1, 3 and 6, which did not actively participate in the hearing.

The record in this case is an extensive one and the issues involved are very intricate and complex, requiring findings as to many questions of fact and legal determinations. Both the Applicant and the Pittsburgh Coke & Iron Company are part of a large group of corporations owned and operated by what is described in the record as the "Hillman Interests," the Hillman Coal and Coke Company being a large corporation with varied interests, and having substantial control

of both the Applicant and the Pittsburgh Coke & Iron Company. The entire record, which comprises some 1,500 pages of transcript and 78 exhibits, some of which are very complex, and portions of a record in a court of chancery in the State of Delaware, and opinion of said court, present, inter alia, an issue covering the scope and construction of Rule 5, section VI of the Marketing Rules and Regulations with respect to the right of Applicant, as part of a large group of interrelated corporations, to enter into a contract for a period of approximately twenty years that requires the delivery to the consumer, an affiliated group, of practically its entire production. This not only makes it necessary to weigh the evidence with respect to the various interests of the several witnesses in the two companies, the parent company, and the other affiliated companies, but to determine many other issues that are presented, some of which involve extensive comparisons with records of the Division.

In this connection, it should be pointed out that applicant, through one of its witnesses, took the position that the Director of the Division, by a letter dated January 6, 1943 had approved the contract under consideration, and that the hearing was therefore a mere formality to comply with Rule V of section VI, supra, but an examination of said letter, which was placed in evidence, and a consideration of the circumstances leading up to the writing thereof show clearly that the Director did not approve said contract and fully explained that if said contract was entered into it would have to be submitted to the Division for approval. By the terms of the Act and the Rules and Regulations thereunder such a contract does not become valid until it is approved by the Director of the Division. Whether it becomes valid upon the expiration of the Act without further acts of the parties thereto, is a question of law which need not here be decided.

I am fully convinced and am of opinion that the application of Emerald for approval of said contract should be denied, but in view of the fact that the Bituminous Coal Act of 1937, as amended, will expire at 12:01 a. m., August 24, 1943, and my report containing detailed findings of fact and conclusions of law, if submitted could be acted upon by the Director only after an opportunity had been afforded the parties to file exceptions; as it would be necessary for the Director to have an opportunity to consider the entire record, and further, as a petition might also be filed for rehearing or reconsideration of the order of the Director, it is obvious that this case could not be finally disposed of prior to the expiration of the Act. I accordingly recommend that the proceeding be dismissed in its present status, so that it may be opened and exhaustively considered if the Congress should, in subsequent legislation, see fit to save proceedings pending before the Division on August 23, 1943.

Respectively submitted.

Dated: August 16, 1943.

CHARLES O. FOWLER,
Trial Examiner.

Recommendation approved and proceeding dismissed.

Dated: August 17, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13464; Filed, August 18, 1943; 10:53 a. m.]

[Docket No. A-1639]

ARKANSAS COAL COMPANY

ORDER DISMISSING PROCEEDING

In the matter of the petition of Arkansas Coal Company for the establishment of additional price classifications and minimum prices for the coals of its Arkansas Coal Co. Mine (Mine Index No. 593) and for a change in the subdistrict number for this mine.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division on September 14, 1942, by the Arkansas Coal Company pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests the establishment of additional price classifications and minimum prices for the coals produced by petitioner at its Arkansas Coal Co. Mine (Mine Index No. 593), Johnson County, Arkansas, in District 14, for all shipments except truck and for truck shipments.

On September 26, 1942 an order was entered temporarily establishing the price classifications and the minimum prices requested by the petition, revising the subdistrict designation from subdistrict 1 to subdistrict 2 and conditionally providing for final relief sixty (60) days from the date thereof unless otherwise ordered (7 F.R. 8173). On October 5, 1942, District Board 14 filed with the Division an "Intervention and Response" denying the allegations of the petition, and praying that the requested revision in price classifications, minimum prices and subdistrict designations should not be granted. On October 22, 1942, a Notice of the Order for Hearing issued herein, continuing the temporary relief heretofore granted pending final disposition of this proceeding, terminating the conditionally final relief, and directing a hearing herein (7 F.R. 8584).

Pursuant to the aforesaid order, and after due notice to interested persons, a hearing in this matter was held before Edward J. Hayes, a duly designated Examiner of the Division, at a hearing room thereof in Fort Smith, Arkansas, on November 16, 1942. Interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. Petitioner, District Board 14, and a representative of the Office of the General Counsel appeared. All parties waived the preparation and filing of a report by the Examiner.

The Bituminous Coal Act of 1937, as amended by Act of Congress, approved May 21, 1943, expires on August 24, 1943 at 12:01 a. m. The price classifications and minimum prices established by the Division pursuant to the provisions of the Act, also become inoperative as of the date and time aforesaid. In view thereof, it is deemed appropriate that the temporary relief heretofore granted by order, dated September 26, 1942 be terminated and the proceeding herein dismissed as of the date of the expiration of the Act.

It is therefore ordered, That effective on August 24, 1943 at 12:01 a. m. the temporary relief heretofore granted in this proceeding is hereby terminated.

It is further ordered, That effective as of the date and time aforesaid, the proceeding in Docket No. A-1639 is hereby dismissed.

Dated: August 17, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-13461; Filed, August 18, 1943; 10:54 a. m.]

[Dockets Nos. A-411, A-1815, A-1821]

CERTAIN CODE MEMBERS IN DISTRICT 20

ORDER DISMISSING PROCEEDINGS

In the matter of the petitions of certain code members in District No. 20 for the establishment or revision of the price classifications and minimum prices of certain mines in District No. 20.

These proceedings were instituted upon petitions filed with the Bituminous Coal Division by the following code members in District No. 20 pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, for establishment or revision of the price classifications and effective minimum prices of certain mines in District No. 20:

Independent Coal & Coke Company, et al.—Docket No. A-411.

Day's Mutual Coal Company, et al.—Docket No. A-1815.[1]

Standard Coal Company, Incorporated—Docket No. A-1821.[1]

Orders granting temporary relief were issued in each of the above-enumerated dockets, (5 F.R. 5297, 8 F.R. 1761). Pursuant to appropriate orders and after due notice to interested persons, hearings were held before duly designated Examiners of the Division. The preparation and filing of the Report of the Examiner were waived in Docket No. A-411 but not in Docket Nos. A-1815 and A-1821, in which such report has not as yet been filed.[2]

The Bituminous Coal Act of 1937, as amended by Act of Congress, approved May 21, 1943, expires on August 24, 1943 at 12:01 a. m. The schedules of effective minimum prices, established by the Division pursuant to the provisions of the Act, and the price exceptions and instructions therein contained cease to be effective as of the date and time afore-

[1] Docket Nos. A-1815 and A-1821 were consolidated by order, dated February 6, 1943, (8 F.R. 1761).

[2] In view of the expiration of the Act, as above indicated, the lack of time within which to prepare and file Examiner's Reports, to afford interested parties an opportunity to file exceptions thereto, and to issue an order of the Director adopting or modifying such report or otherwise disposing of the proceedings, the preparation and filing of an Examiner's Report in Docket Nos. A-1815 and A-1821 are hereby dispensed with.

said. In view thereof, it is deemed appropriate to terminate the temporary relief heretofore granted in each of the above-designated dockets and to dismiss the proceedings therein.

It is, therefore, ordered, That effective August 24, 1943 at 12:01 a. m. the temporary relief heretofore granted in Docket Nos. A–411, A–1815 and A–1821 is hereby terminated;

It is further ordered, That effective as of date and time aforesaid, the proceedings in Dockets Nos. A–411, A–1815 and A–1821 are hereby dismissed.

Dated: August 17, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43–13460; Filed, August 18, 1943; 10:54 a. m.]

[Dockets Nos. A–1218, A–1660, A–1897]

DISTRICT BOARD 2 AND NORTHWESTERN FUEL COMPANY

ORDER DISMISSING PROCEEDINGS

In the matter of the petitions of District Board No. 2 and Northwestern Fuel Co. for amendment of the marketing rules and regulations and the price exceptions in the schedule of effective minimum prices for District No. 2 for all shipments except truck.

In Dockets Nos. A–1660 and A–1897 proceedings were instituted upon petitions filed with the Bituminous Coal Division by District Board No. 2, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition in Docket No. A–1660 requests amendment of Rule 1 (J) of section VII of the Marketing Rules and Regulations. The petition in Docket No. A–1897 requests establishment of an additional price exception with respect to loading points, in the Schedule of Effective Minimum Prices for District No. 2 for All Shipments Except Truck. In Docket No. A–1218, a petition for revision of minimum prices was filed by Northwestern Fuel Co. Temporary relief was granted only in Docket No. A–1218 (7 F.R. 259).

Pursuant to appropriate orders, and after due notice to interested persons, hearings were held in the above designated dockets before duly designated Examiners of the Division. The submission of a Report of the Examiner was waived in Docket No. A–1897, but not in Dockets Nos. A–1218 and A–1660 in which no Examiner's Reports have as yet been filed.[1]

The Bituminous Coal Act of 1937, as amended by Act of Congress, approved May 21, 1943, expires on August 24, 1943, at 12:01 a. m. The price schedules established by the Division, the price exemptions and instructions therein contained, and the Marketing Rules and Regulations promulgated by the Division pursuant to applicable provisions of the Act, cease to be operative as of the date and time aforesaid. In view thereof, it is deemed appropriate that the temporary relief heretofore granted in Docket No. A–1218 be terminated and the proceedings in each of the above designated dockets dismissed.

It is therefore ordered, That effective on August 24, 1943 at 12:01 a. m., the temporary relief heretofore granted in Docket No. A–1218 is hereby terminated.

It is further ordered, That, effective as of the date and time aforesaid, the proceedings in Dockets Nos. A–1218, A–1660 and A–1897 are hereby dismissed.

Dated: August 17, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43–13459; Filed, August 18, 1943; 10:54 a. m.]

[1] In view of the expiration of the Act, the lack of time within which to prepare and file a Report of the Examiner, to afford interested persons an opportunity to file exceptions thereto, and to issue an order of the Director adopting or modifying such Report, or otherwise disposing of the proceedings, as required by the Rules of Practice and Procedure before the Division, Reports of the Examiner in Dockets Nos. A–1218 and A–1660 are hereby dispensed with.

DEPARTMENT OF LABOR.

Office of the Secretary.

[Finding No. WLD-2]

O'CONNELL AND SWEENEY CO., CINCINNATI, OHIO

FINDING AS TO CONTRACTS IN PROSECUTION OF WAR EFFORT

Whereas the O'Connell and Sweeney Company, Cincinnati, Ohio, is engaged in the digging, grading, and construction of roads in Mason, Ohio, in connection with the construction of a radio station owned by the Defense Plant Corporation, as lessor, to be operated by The Crosley Corporation, Cincinnati, Ohio, as lessee, pursuant to a contract entered into between O'Connell and Sweeney Company and The Crosley Corporation on July 21, 1943 and approved by the Defense Plant Corporation on August 4, 1943; and

Whereas, O'Connell and Sweeney Company is engaged in digging, grading, and construction of roads in Lockland, Ohio, in connection with the construction by Frank Messer and Sons, general contractors, Cincinnati, Ohio, of a manufacturing plant owned by the Defense Plant Corporation, as lessor, for operation by the Wright Aeronautical Corporation, Cincinnati, Ohio, as lessee, pursuant to a contract entered into between O'Connell and Sweeney Company and Frank Messer and Sons on July 3, 1942 and approved by the Defense Plant Corporation on July 10, 1942;

Now, therefore, pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. Law 89, 78th Cong., 1st Sess.) and the directive of the President dated August 10, 1943, published in the FEDERAL REGISTER on August 14, 1943,

I find that the digging, grading, and construction of roads by O'Connell and Sweeney Company of Cincinnati, Ohio, pursuant to the above-mentioned contracts, in connection with the construction of the plants owned by the Defense Plant Corporation at Mason and Lockland, Ohio, to be operated by The Crosley Corporation and Wright Aeronautical Corporation, were contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C., this 18th day of August 1943.

FRANCES PERKINS, *Secretary of Labor.*

[F. R. Doc. 43–13485; Filed, August 18, 1943; 11:53 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Special Permit 10 Under Service Order 126]

LONG ISLAND RAIL ROAD CO., AND PENNSYLVANIA RAILROAD CO.

REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.303, 8 F.R. 7285) of Service Order No. 126 of May 29, 1943, as amended (8 F.R. 7723; 8 F.R. 8032; 8 F.R. 9033), permission is granted for:

The Long Island Rail Road Company to accept for transportation and The Pennsylvania Railroad Company to initially ice at Greenville, New Jersey, and reice once at Potomac Yard, Virginia, FGE 34326 containing potatoes, shipped by Young & Company, Riverhead, Long Island, consigned to the Quartermaster of the United States Army, Port of Embarkation, Charleston, South Carolina.

The waybill, shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 13th day of August 1943.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 43–13463; Filed, August 18, 1943; 11:03 a. m.]

[Special Permit 11 Under Service Order 126]

CHESAPEAKE AND OHIO RAILWAY CO.

ICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.303, 8 F.R. 7285) of Service Order No. 126 of May 29, 1943, as amended (8 F.R. 7723; 8 F.R. 8032; 8 F.R. 9033), permission is granted for:

The Chesapeake and Ohio Railway Company to initially ice (but not to reice) not more than 24 refrigerator cars containing potatoes shipped by the War Foods Administration from the Inland Service Company, Charlottesville, Virginia, to the Good Canning Company, Fort Smith, Arkansas.

Not more than three cars per day may be initially iced under this permit.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 14th day of August, 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-13469; Filed, August 18, 1943; 11:02 a. m.]

[Special Permit 53 Under Service Order 133]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO.

REICING OF MIXED VEGETABLES IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133, of June 19, 1943, as amended (8 F.R. 9728-29; 8 F.R. 10941), permission is granted for:

The Atchison, Topeka and Santa Fe Railway Company to retop or rebody ice BREX 74434 containing mixed vegetables shipped by Hartner Produce Co., Denver, Colorado, consigned to the Quartermaster Market Center, Houston, Texas.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 17th day of August, 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-13471; Filed, August 18, 1943; 11:03 a. m.]

[Special Permit 1 Under Service Order 145]

UNION PACIFIC RAILROAD CO., ET AL.

REFRIGERATION OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.316, 8 F.R. 11089) of Service Order No. 145 of August 7, 1943, permission is granted for:

The Union Pacific Railroad Company, the Chicago, Burlington & Quincy Railroad Company, and the Illinois Central Railroad Company to accord standard refrigeration to WFE 67479, FGE 32075, WFE 49577, PFE 38273 (or. 98273), SFRD 33494, PFE 25570, PFE 61482, PFE 74412, SFRD 35270, and SFRD 22706 containing potatoes from Payette, Idaho, consigned to the Quartermaster of the United States Army, at New Orleans, Louisiana.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 16th day of August 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-13467; Filed, August 18, 1943; 11:02 a. m.]

[Special Permit 52 Under Service Order 133]

COMMON CARRIERS BY RAILROAD

REICING OF FRESH OR GREEN VEGETABLES IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133, of June 19, 1943, as amended (8 F.R. 9728-29; 8 F.R. 10941), permission is granted for:

Any common carrier by railroad to retop or rebody ice at Decatur, Illinois, any refrigerator car or cars loaded with fresh or green vegetables, in straight or mixed carloads, originating at any point or points in the States of Arizona, California, Colorado, or Utah.

This permit shall not be construed to allow retop or rebody icing of a refrigerator car not equipped with collapsible bunkers in excess of 15,000 pounds when bunker ice is used.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 17th day of August, 1943.

HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 43-13470; Filed, August 18, 1943; 11:03 a. m.]

NATIONAL WAR LABOR BOARD.

ANTHRACITE AND BITUMINOUS COAL MINES

ORDER OF AUTHORIZATION

AUGUST 16, 1943.

Whereas section 5 of the War Labor Disputes Act provides that the Government agency operating a plant, mine or facility under that Act "may apply to the National War Labor Board for a change in wages or other terms or conditions of employment in such plant, mine or facility. Upon receipt of any such application, and after such hearings and investigations as it deems necessary, such Board may order any changes in such wages, or other terms and conditions, which it deems to be fair and reasonable and not in conflict with any Act of Congress or any Executive Order issued thereunder. Any such order of the Board shall, upon approval by the President, be complied with by the Government agency operating such plant, mine or facility;" and

Whereas the Secretary of the Interior applied to the National War Labor Board by letter of August 13, 1943 for the issuance of an order under which the eight-hour work day, with appropriate overtime provisions, may be substituted for the present seven-hour day at those bituminous and anthracite mines in the possession of the Government at which the Secretary of the Interior determines that the institution of such an eight-hour day, permitting a forty-eight-hour work week, is feasible and necessary; and

Whereas the facts necessary for a proper determination of this application have been ascertained during the course of previous hearings and investigations before this Board, and the Board therefore deems that no further hearings and investgiations are necessary; and

Whereas the changes in the existing terms and conditions of employment required by the application are deemed by the Board to be fair and reasonable and not in conflict with any Act of Congress or any Executive Order issued thereunder;

Now, therefore, by virtue of and pursuant to the powers vested in it by Executive Order 9017 of January 12, 1942 (7 F.R. 237) the Executive Orders and Regulations issued under the Act of Congress of October 2, 1942 and the War Labor Disputes Act, the National War Labor Board hereby makes the following order of authorization:

(1) Subject to the provisions of paragraph (2) hereof, the existing terms and conditions of employment in the bituminous and anthracite mines in the possession of the Government are hereby changed by providing that the Secretary of the Interior may afford the mine workers in such mines in his possession as the Secretary may designate an opportunity to work eight hours a day, instead of the present seven-hour day, with payment at the rate of time and one-half for the additional hour of work on any day, when the eight hours a day are worked in

conjunction with a forty-eight hour work-week.

(2) This order shall become effective only upon approval by the President pursuant to section 5 of the War Labor Disputes Act.

WILLIAM H. DAVIS.
GEORGE W. TAYLOR.
FRANK P. GRAHAM.
WAYNE L. MORSE.
GEORGE K. BATT.
FREDERICK S. FALES.
ALMON E. ROTH.
CYRUS CHING.
ROBERT J. WATT.
LOUIS A. LOPEZ.
CARL SHIPLEY.
JOHN BROPHY.

Approved: August 16, 1943.

FRANKLIN D ROOSEVELT

[F. R. Doc. 43-13484; Filed, August 17, 1943; 5:03 p. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 1446]

REAL PROPERTY OF MARIANO CANCIAMILLA

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Mariano Canciamilla is a resident of Italy, whose last known address was No. 17 Via Calcagno, Provincia Palermo Trabia, Italy, and is a national of a designated enemy country (Italy);

2. Finding that said Mariano Canciamilla is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

All right, title, interest and estate, both legal and equitable of Mariano Canciamilla in and to the real properties situated in Sacramento, California, particularly described in Exhibits A and B attached hereto and by reference made a part hereof, together with all fixtures, improvements and appurtenances thereto, and all claims of Mariano Canciamilla for rents, refunds, benefits or other payments arising from the ownership of such properties,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

4. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Italy);

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and deeming it necessary in the national interest;

Hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on May 11, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All the real property, situated, lying and being in the City of Sacramento, County of Sacramento and State of California, known, designated and described as:

The south one-quarter (¼) of lot number four (4) in the block or square bounded in and by "S" and "T" and Fifth (5th) and Sixth (6th) Streets, as the same is shown upon the official map or plan of said City; also the north one-quarter (¼) of lot number five (5) in the block or square bounded in and by "S" and "T" and Fifth and Sixth Streets, as same is shown upon the official map or plan of said City of Sacramento,

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining.

EXHIBIT B

All the real property situated, lying and being in the City of Sacramento, County of Sacramento, and State of California, known, designated and described as follows, to-wit:

The North one-half (½) of the East one-half (½) of Lot Number One (1) and the West one-half (½) of Lot Number Two (2), in the Block bounded by "P" and "Q" and Seventh (7th) and Eighth (8th) Streets of said City, according to the official map or plan thereof,

together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining.

[F. R. Doc. 43-13472; Filed, August 18, 1943; 11:03 a. m.]

[Vesting Order 1762]

TATSUMI ENGINEERING COMPANY, LTD.

Re: An oil pump owned by Tatsumi Engineering Company, Ltd., Tokyo, Japan.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Tatsumi Engineering Company, Ltd. is a joint stock company organized under the laws of Japan, with its principal place of business at Tokyo, Japan, and is a national of a designated enemy country (Japan);

2. Finding that Tatsumi Engineering Company, Ltd. is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

One oil pump No. 51813, size 10x7x12", owned by Tatsumi Engineering Company, Ltd. and presently stored in the warehouse of National Transit Pump & Machine Co., Oil City, Pennsylvania, in the name of E. B. Badger & Sons Co., forwarding agent for Tatsumi Engineering Company, Ltd.,

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

4. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

Having made all determinations and taken all action, after appropriate consultation and certification; required by said Executive Order or Act or otherwise; and deeming it necessary in the national interest;

Hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim, arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on July 8, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-13473; Filed, August 18, 1943; 11:03 a. m.]

[Vesting Order 1763]

CENTRAL MINING & SECURITIES CORPORATION

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended,

and pursuant to law, the undersigned, after investigation:

1. Finding that Aron Hirsch & Sohn, whose principal place of business is Halberstadt, Germany, is a business firm organized under the laws of Germany and is a national of a designated enemy country (Germany);

2. Finding that Central Mining & Securities Corporation is a corporation organized under the laws of and doing business in the State of New York and is a business enterprise within the United States;

3. Finding that 75 shares of no par value common capital stock of Central Mining & Securities Corporation are registered in the name of William F. Keyes and are beneficially owned by Aron Hirsch & Sohn;

4. Finding that said 75 shares of common stock constitute all of the issued and outstanding capital stock of Central Mining & Securities Corporation and represent ownership and control thereof;

5. Determining, therefore, that Central Mining & Securities Corporation is a national of a designated enemy country (Germany);

6. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and deeming it necessary in the national interest;

Hereby (i) vests in the Alien Property Custodian the shares of stock described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" nd "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on July 8, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13474; Filed, August 18, 1943; 11:08 a. m.]

[Vesting Order 1765]

GERMAN AMERICAN VOCATIONAL LEAGUE, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that German American Vocational League, Inc. is a membership corporation organized and doing business under the laws of the State of New York, and is a business enterprise within the United States;

2. Finding that German American Vocational League, Inc. is a social and trade union organization, affiliated with Deutsches Arbeit Front (the German Labor Front), Berlin, Germany, and was found to be a national of a designated enemy country (Germany) in Vesting Order No. 626, dated January 6, 1943;

3. Determining that German American Vocational League, Inc. is controlled by or acting for or on behalf of a designated enemy country (Germany) or a person within such country, and is a national of a designated enemy country (Germany);

4. Finding that German American Vocational League, Inc. is the owner of the property described in subparagraph 5 hereof;

5. Finding that the property described as follows:

All property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to German American Vocational League, Inc. and the interests therein of any and all of the members of German American Vocational League, Inc.,

is property of a business enterprise within the United States which is a national of a designated enemy country (Germany);

6. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Germany);

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and deeming it necessary in the national interest;

Hereby vests in the Alien Property Custodian the property described in subparagraph 5 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim, arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on July 8, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–13475; Filed, August 18, 1943; 11:08 a. m.]

[Vesting Order 1887]

WILHELMINA STOHANDL

Re: Interest in real property owned by Wilhelmina Stohandl, also known as Wilhelmina Schwertner Stohandl.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended and pursuant to law, the undersigned, after investigation, finding:

That the last known address of Wilhelmina Stohandl, also known as Wilhelmina Schwertner Stohandl, is 14 Strasse Avram Jancu, Lugoj, Rumania, and that she is a resident of Rumania and a national of a designated enemy country (Rumania);

2. That Wilhelmina Stohandl, also known as Wilhelmina Schwertner Stohandl, is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

The undivided one-fourth interest, identified as the interest of Wilhelmina Schwertner Stohandl, in real property situated in New York, New York, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such one-fourth interest,

is property within the United States owned or controlled by a national of a designated enemy country (Rumania);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Rumania);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of

record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions,

Any person except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 28, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All that lot and parcel of land situated in the City of New York, County of New York, State of New York, beginning at a point on the northerly side of 21st Street distant 150 feet westerly from the corner formed by the intersection of the northerly side of 21st Street with the westerly side of 10th Avenue; running thence westerly along the northerly side of 21st Street 125 feet; running thence northerly parallel with 10th Avenue 98 feet 9 inches; thence easterly parallel with 21st Street 50 feet; thence northerly and parellel with 10th Avenue 98 feet 9 inches more or less, to the southerly side of 22nd Street; thence easterly along the southerly side of 22nd Street 75 feet; thence southerly parallel with 10th Avenue 197 feet 6 inches more or less, to the northerly side of 21st Street at the point or place of beginning. Said premises being known by the street numbers 510, 512, and 514 West 22nd Street, and 511, 513, 515, 517, and 519 West 21st Street, be the said several dimensions more or less.

[F. R. Doc. 43–13476; Filed, August 18, 1943; 11:08 a. m.]

OFFICE OF PRICE ADMINISTRATION.

HOUSEHOLD FURNITURE

[Order 590 Under MPR 188]

MODIFICATION OF MAXIMUM PRICES

Order No. 590 under § 1499.159 (b) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

An opinion accompanying this order, issued simultaneously herewith, has been filed with the Division of the Federal Register,* and in accordance with § 1499.159 (b) of Maximum Price Regulation No. 188; *It is hereby ordered:*

(a) The provisions of § 1499.155 of Maximum Price Regulation No. 188 as applied to furniture subject thereto are modified by this order as hereinafter provided.

(b) The maximum price of any article of household furniture differing from any article for which a maximum price has already been established, only by reason of minor changes in materials, design, or construction which do not reduce cost of materials or prevent its offering fairly equivalent serviceability shall be the maximum price of the article already priced.

(c) Notwithstanding the provisions of paragraph (b) above, the maximum price of any article of household furniture differing from any article for which a maximum price has already been established only by reason of the minor changes in material, design or construction listed in paragraph (d) below which reduce cost of materials but which do not prevent the article from offering fairly equivalent serviceability shall be the maximum price of the article already priced.

(d) Changes of a minor nature in material, design or construction referred to in paragraph (c) above are limited to the following:

(1) Simplification but not omission of incidental ornamental turnings, carvings, moldings, etc.

(2) Substitution of gimp for ornamental nails on upholstered furniture.

(3) Substitution for metal or plastic drawer pulls.

(4) Change in materials used in finishing if substantially the same durability and effect are maintained.

(5) Simplification or elimination of inner-drawer partitions, and other minor parts, which are conveniences but not necessary to total function.

(6) Elimination of "water-fall" features and substitution of flat tops or flat members.

(7) Substitutions in joinery methods calculated to save essential hardware where construction is not weakened.

(8) Change of face veneers within maximum range of 10% of cost per foot in either direction.

(9) Substitution of solid-filling for metal springs in dining chairs and open-arm pull-up chairs.

(10) Slight reduction in weight of bedpost stock.

(e) If an article of household furniture differs by virtue of more than three changes listed in paragraph (d) above from articles, the maximum prices of which have already been set, its maximum price may not be established under paragraph (c) above.

(f) The maximum price of an article of household furniture may not be established under paragraph (c) above if the application of that paragraph conflicts with the manufacturer's established practice of granting price differentials for alternative features.

(g) This order may be amended or revoked by the Price Administrator at any time.

This Order No. 590 shall become effective August 18, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued this 17th day of August 1943.

CHESTER BOWLES,
Acting Administrator.

*Copies may be obtained from the Office of Price Administration.

[F. R. Doc. 43–13447; Filed, August 18, 1943; 9:14 a. m.]

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on August 17, 1943.

Order Number and Name

MPR 125, Order 44, William A. Hardy & Sons Co.

MPR 136, Order 83, General Electric Co.

Commodity Practices, Reg. No. 1, Order 2, Colgate-Palmolive-Peet Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial & Reference Section.

[F. R. Doc. 43–13505; Filed, August 18, 1943; 11:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 70–753 and 70–752]

IDAHO POWER COMPANY AND ELECTRIC POWER AND LIGHT CORPORATION

APPLICATION GRANTED

In the matters of Idaho Power Company and Electric Power & Light Corporation, File No. 70–753; and Electric Power & Light Corporation, File No. 70–752.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 14th day of August A. D., 1943.

Appearances: A. C. Inman of Boise, Idaho, and Reid & Priest of New York City by James L. Boone, for Idaho Power Company.

Wright, Gordon, Zachry, Parlin & Cahill of New York City by Wallace P. Zachry and Daniel James for Electric Power & Light Corporation.

Charles H. Kinnane and Sidney Willner for the Public Utilities Division.

Electric Power & Light Corporation ("Electric"), a registered holding company and a subsidiary of Electric Bond and Share Company, likewise a registered holding company, and Idaho Power Company ("Idaho"), an electric utility subsidiary company of Electric, have filed joint declarations and applications (File No. 70–753) and amendments thereto concerning, among other things, a pro-

posed capital contribution by Electric to Idaho and various related transactions, as set forth below. Electric has filed a separate declaration and application (File No. 70–752) and amendments thereto, proposing to sell the common stock of Idaho and use the proceeds to purchase part of Electric's outstanding debentures.

After appropriate notice and issue of an order consolidating the hearings on said joint and separate declarations and applications, a public hearing was held. On July 29, 1943 we issued an order granting subject to certain reservations of jurisdiction, an application by Electric for exemption of said proposed sale from the competitive bidding requirements of Rule U-50 (Holding Company Act Release No. 4458). We have now considered the record in regard to the proposals made in the joint filing and we make the following findings in regard thereto:

In order to comply with substantially identical orders of the Federal Power Commission, the Public Utilities Commissioner of Oregon and the Public Utilities Commission of Idaho dated respectively, May 18, 1943, May 28, 1943, and June 4, 1943, with respect to the reclassification of Idaho's electric plant in accordance with the uniform system of accounts, Idaho proposes to dispose of the amount of $9,562,632.88 established in Account 107, Electric Plant Adjustments, by charging $2,520,440.52 to earned surplus and $693,616.69 to other specified accounts, and to dispose of the unclassified balance of $6,348,575.67 in Account 107 representing a write-up of Idaho's plant account at organization which was credited to the common stock account, by charging $6,267,000 thereof to the capital surplus to be created by Electric's capital contribution described below, and $81,575.67 to earned surplus. Idaho will dispose of the amount of $1,905,410.26 established in Account 100.5, Electric Plant Acquisition Adjustments, through equal annual charges of $127,027.35 as income deductions over a period of fifteen years beginning with the year 1943, and will make certain other minor adjustments necessary to comply with the aforementioned orders.[1]

In order to assist Idaho to comply with said orders, Electric, as holder of all of the 150,000 outstanding shares of the common stock, $100 par value, of Idaho and 2,670 shares of the $100 par value preferred stock (7%) of Idaho (the rest of which is publicly held) proposes to surrender 60,000 of such common shares and all of the 2,670 preferred shares to Idaho as a capital contribution. Idaho proposes to acquire all the shares which will be so contributed and to cancel them, thereby reducing its capital stock liability by $6,267,000, which amount Idaho will credit to capital surplus. The carrying value of Electric's investment in Idaho will remain unchanged by the capital contribution which will be recorded by a memorandum entry on the books of Electric.

[1] Pursuant to said orders, another item of $706,165.83 in Account 100.5 was permitted to be transferred to Account 100.6, Electric Plant in Process of Reclassification, pending final determination as to appropriate classification thereof.

Idaho proposes further to amend its certificate of organization so as to eliminate its authority to issue second preferred stock, of which 10,000 shares are presently authorized but none are issued or outstanding, and to restate the classes and amounts of its authorized capital stock.

As an aid to Electric in effecting its proposed sale of the Idaho common stock, Idaho also proposes to amend its by-laws so that the 90,000 shares of its $100 par value common stock, each having one vote, which will remain outstanding after the capital contribution is made, will be changed into 450,000 shares of $20 par value common stock each having one vote.[2]

Set forth below is a condensed balance sheet per books of Idaho as of May 31, 1943, together with adjustments and a pro forma balance sheet giving effect to the proposed transactions affecting Idaho.

	Per books	Adjustments	Pro forma
ASSETS			
Plant, property and equipment	[1] $47,263,459	$(9,739,059)	[1] $37,524,400
Investment and fund accounts	130,147	155,637	285,784
Cash	1,626,806	----------	1,626,806
Temporary cash investments	230,000	----------	230,000
Accounts receivable	425,122	----------	425,122
Other current and accrued assets	259,167	----------	259,167
Unamortized debt discount and expense	591,778	----------	591,778
Other deferred debits	23,728	----------	23,728
Capital stock expense	----------	322,501	322,501
Consignments (contra)	9,026	----------	9,026
Total	50,579,233	(9,260,921)	41,318,312
LIABILITIES			
1st Mortgage Bonds 3¾%, due 1967	18,000,000	----------	18,000,000
Taxes accrued	1,988,329	----------	1,988,329
Interest accrued	112,500	----------	112,500
Other current and accrued liabilities	295,938	----------	295,938
Deferred credits	74,543	----------	74,543
Property retirement reserve	5,015,714	(383,494)	4,632,220
Other reserves	39,000	----------	39,000
Contributions in aid of construction	177,452	----------	177,452
Consignments (contra)	9,026	----------	9,026
Preferred stock (7%), $100 par	3,480,000	(267,000)	3,213,000
$6 preferred stock, no par	2,845,700	----------	2,845,700
Common stock, $100 par [2]	15,000,000	(6,000,000)	9,000,000
Earned surplus	3,640,131	(2,610,427)	929,703
Total	50,579,233	(9,260,921)	41,318,312

[1] The pro forma plant account includes $1,905,410.26 in Account 100.5 which Idaho will dispose of through equal annual charges of $127,027.35 as income deductions over a period of 15 years beginning with the year 1943. Another item of $706,165.83 is in process of reclassification pending determination as to appropriate classification thereof.
[2] $20 par value after proposed transactions.
( ) Indicates red figures.

The capitalization, including surplus, of Idaho as of May 31, 1943, per books, as adjusted, and pro forma is set forth below:

	Per books (as adjusted)[1]		Pro forma	
	Amount	Percent	Amount	Percent
Long term debt:				
First mortgage bonds 3¾% series due 1967	$18,000,000	53.0	$18,000,000	53.0
Preferred stock:				
Preferred (7%) $100 par, 34,800 shares [2]	3,480,000	10.2	3,213,000	9.4
$6 Preferred, no par, 28,457 shares	2,845,700	8.4	2,845,700	8.4
Total preferred stock	6,325,700	18.6	6,058,700	17.8
Common stock and surplus:				
Common stock, $100 par, 150,000 shares [3]	15,000,000	44.1	9,000,000	26.5
Earned surplus	3,540,131	10.4	929,703	2.7
Tota common stock and surplus	18,540,131	54.5	9,929,703	29.2
Less plant adjustments [1]	(8,877,427)	(26.1)	----------	----------
Adjusted common stock and surplus	9,662,703	28.4	9,929,703	29.2
Total capitalization	33,988,403	100.0	33,988,403	100.0

( ) Indicates red figures.
[1] Adjustment is made to the capitalization per books to eliminate from common stock and surplus the amount of plant adjustments to be charged to surplus in the proposed transactions.
[2] 32,130 shares, $100 par value, after proposed transactions.
[3] 450,000 shares, $20 par value, after proposed transactions.

By amendment to its by-laws Idaho proposes to adjust the voting power of its preferred stock by increase thereof from one to five votes a share to counterbalance the increase in the voting power of the common stock as a class. Idaho proposes also to provide by addition to its by-laws that whenever dividends payable on the preferred stock of Idaho shall be accumulated and unpaid in an amount equivalent to four quarterly dividends, the holders of such stock, voting for such purpose as a single class, shall be entitled thereafter at each succeeding annual meeting of the stockholders to elect

[2] In connection with such change, certificates for said 450,000 new shares of $20 par value common stock would be exchanged for the certificates for the 90,000 shares of $100 par value common stock.

the smallest number of directors necessary to constitute a majority of the board of directors until all such accumulated and unpaid dividends shall have been eliminated, provided that if and when profits available for dividends are in excess of such unpaid dividends, the payment thereof shall not be unreasonably withheld. The by-laws are also to be amended to provide that no mortgage of the fixed assets of Idaho shall be made without the approval of holders of the majority of such shares of common stock and also holders of the majority of such shares of preferred stock as are present at a meeting of the stockholders, at which a quorum is present, subject to the proviso that such approval shall not be required in connection with anything required or permitted to be done under the company's existing bond indenture. The by-laws would also be amended so as to require a ⅔ vote of the holders of the outstanding preferred stock voting as a class for that purpose to change said contingent voting rights, and to change said restriction on mortgaging the fixed assets of the company.

Idaho proposes also that the so-called "migratory provisions" of its by-laws be eliminated entirely and that various minor amendments be made in order to conform the by-laws to the changes already described. In connection with approval of the above transactions Idaho proposes to solicit proxies from its stockholders, the form of said proxy and the accompanying statement having been filed in this proceeding.

It was stated that the Public Utilities Commission of Oregon has jurisdiction in connection with the decrease in the par value of, and the increase in the number of shares of, Idaho's common stock, and it was stated that application was made to said Commissioner on July 1, 1943 for an order approving such changes.

The provisions of section 6 (a), 7, 9 (a), 10, 11 (b), 12 (c), 12 (d), 12 (e) and 12 (f) of the Act and Rules U-42, U-43, U-45 and U-62 thereunder, are applicable to the transactions proposed in the above described filing. We have examined the proposed transactions in the light of these provisions and find that they are satisfied.

It is therefore ordered, That pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935, the said (File No. 70-753) applications and declarations as amended, be, and they hereby are granted an permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 of the General Rules and Regulations, and subject to the further condition that the decrease of the par value and increase in the number of shares of the common stock of Idaho be approved by the Public Utilities Commissioner of Oregon, and subject to the further condition that all exhibits relating to said transactions be submitted in final form, jurisdiction being reserved with respect to the final form and terms of such exhibits.

It is further ordered, That jurisdiction, be, and it hereby is, reserved expressly to pass upon all other matters, not heretofore determined, which are involved in these consolidated proceedings, in so far as they arise under the said separate application and declaration of Electric in said File No. 70-752 proceedings and our order previously entered therein.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-13424; Filed, August 17, 1943; 9:26 a. m.]